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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Access to and Eligibility for Child Welfare Services

2) Code Citation: 89 Ill. Adm. Code 304

3) Section Numbers: Proposed Action:

304.2 Amend

4) Statutory Authority: The Children and Family Services Act [20 ILCS 505].

5) A Complete Description of the Subjects and Issues Involved: The Department is amending Section 304.2, Definitions, by adding definitions of "Biological Father", "Family", and "Relative Caregiver". It is also correcting the definitions of "Abused child", "Neglected child", "Dependent minor", "Minimum parenting standards" and "Minor Requiring Authoritative Intervention (MRAI)" to either make them agree with the statutes in which they are found or with other Department rules.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives These amendments do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe - Station #222
Springfield, Illinois 62701-1498

Telephone: (217) 524-1983
TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

by small businesses should be identified as such. Public hearings have been scheduled on these proposed amendments in the following areas:

April 11, 1995

7:00 p.m.

Quality Inn at Halsted

One South Halsted

Chicago, Illinois

(312) 829-5000

April 13, 1995

7:00 p.m.

State House

Room 212

Springfield, Illinois

(217) 782-2099

Persons are asked to limit their testimony to a maximum of 15 minutes per person. We will gladly accept written testimony at the public hearings. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

12) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendment does not have an affect on small businesses.

13) State reason(s) for this rulemaking if it was not included in either of the two most recent regulatory agendas. The need for this rulemaking was not foreseen at the time the Department filed its regulatory agendas. A major management initiative affecting home of relative care has prompted the Department to file these amendments at the present time in order to implement them at the start of the next fiscal year.

The full text of the proposed amendment begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER a: SERVICE DELIVERY

PART 304

ACCESS TO AND ELIGIBILITY FOR CHILD WELFARE SERVICES

Section

- 304.1 Purpose
- 304.2 Definitions
- 304.3 Introduction to Child Welfare Services
- 304.4 Eligibility for Child Welfare Services
- 304.5 Access to Child Welfare Services
- 304.6 Decision Concerning Case Opening

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5]; Sections 2 and 2.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/2 and 2.1]; Section 1-2 of the Juvenile Court Act of 1987 [705 ILCS 405/1-2]; Section 1-103 of the Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305/1-103]; and Public Law 96-272, The Adoption Assistance and Child Welfare Act of 1980, which amends Section 471 of the Social Security Act (42 U.S.C.A. 671(a)(14)).

SOURCE: Adopted and codified at 5 Ill. Reg. 13117, effective November 30, 1981; amended at 8 Ill. Reg. 12118, effective July 9, 1984; amended at 17 Ill. Reg. 251, effective December 31, 1992; amended at 19 Ill. Reg. _____, effective _____.

Section 304.2 Definitions

"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

inflicts, causes to be inflicted, or allows to be inflicted upon such child physical or mental injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

creates a substantial risk of physical or mental injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss of or impairment of any bodily function;

commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1961 as amended, and extending those definitions of sex offenses to include children under 18 years of age;

commits or allows to be committed an act or acts of torture upon such child; or

inflicts excessive corporal punishment. (fiii--Rev.--Stat.--1991r ch--237--par--2853+ [325 ILCS 5/3].

"Addicted Minor" includes any minor who is an addict or an alcoholic as defined in the Illinois Alcoholism and Other Drug Dependence Act (fiii--Rev.--Stat.--1991r ch--111--1-27--par--6351+3) [20 ILCS 305/1-103].

"Adjudicated" as used in these rules means that the Juvenile Court has entered an order declaring that a child is neglected, dependent, a minor requiring authoritative intervention, a delinquent minor or an addicted minor.

"Biological father" means a man who has acknowledged his paternity via a notarized statement or whose paternity is adjudicated in court. When paternity has been acknowledged or adjudicated, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Child welfare services" means public social services which are directed toward the accomplishment of the following purposes:

protecting and promoting the welfare of all children, including homeless, dependent, or neglected children; preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse exploitation, or delinquency of children;

preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible;

restoring to their families children who have been removed, by the provision of services to the child and the families;

placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate;

assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption;

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providing supportive services and living maintenance which contribute to the physical, emotional and social well-being of children who are pregnant and unmarried;

providing shelter and independent living services for homeless youth; and

placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility. The Department is not required to place or maintain children:

who are in a foster home;

who are developmentally disabled, as defined in the Mental Health and Developmental Disabilities Code;

who are female children who are pregnant, pregnant and parenting or parenting; or

who are siblings,

in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age. (Ill-Rev-Stat--1991--ch--23--par--5005) [20 ILCS 505/5]

"Delinquent minor" means a minor who before his 17th birthday violated or attempted to violate a Federal or State law or municipal ordinance. Delinquent minor is further defined in the Juvenile Court Act of 1987.

"Department client" means a child or a family who is receiving child welfare services either directly from the Department or through the Department's purchase of service providers.

"Dependent minor" means a child under 18 years of age who as a result of physical or mental disability of a parent or other legal guardian is not receiving proper medical, remedial or other care necessary for his or her well-being or whose parent wishes to release the child for adoption; dependent minor is further defined in the Juvenile Court Act of 1987. Any minor under 18 years of age;

who is without a parent, guardian or legal custodian;

who is without proper care because of the physical or mental disability of his parent, guardian or custodian;

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who is without proper medical or other remedial care recognized under State law or other care necessary for his or her well being through no fault, neglect or lack of concern by his parents, guardian or custodian, provided that no order may be made terminating parental rights, nor may a minor be removed from the custody of his or her parents for longer than 6 months, pursuant to an adjudication as a dependent minor under Section 2-4(c) of the Juvenile Court Act of 1987, unless it is found to be in his or her best interest by the court or the case automatically closes as provided under Section 2-31 of the Act; or

who has a parent, guardian or legal custodian who with good cause wishes to be relieved of all residual parental rights and responsibilities, guardianship or custody, and who desires the appointment of a guardian of the person with power to consent to the adoption of the minor under Section 2-29 of the Act.

This definition does not apply to a minor who would be included herein solely for the purpose of qualifying for financial assistance for himself, his parents, guardian or custodian. [705 ILCS 405/2.4] This definition does not apply to a minor whose parent or guardian has left the minor in the care of an adult relative for any period of time.

"Family" means one or more adults and children, related by blood, marriage or adoption and residing in the same household.

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare sees that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from physical, mental and emotional harm, and provided with necessary medical care and education--required--by law. A parent who has abandoned a child, deserted a child for three months, or failed to demonstrate an a reasonable degree of interest, concern, or responsibility as to the welfare of a newborn child for 30 days after birth is deemed to have failed to have met the minimum parenting standards, unless the parent has arranged for the child's care in the home of a relative. In addition, a parent who is addicted to alcohol or who is a drug addict, as defined in Section 1-103 of the Illinois Alcoholism and Other Drug Dependency Act (Ill-Rev-Stat--1991--ch--111--par--638-1-3) [20 ILCS 305/1-103] and who has consistently failed to cooperate in a rehabilitation program for a period of at least six months is deemed to have failed to have met the minimum parenting standards unless the parent has arranged for the child's safety and well being despite the parent's addiction.

"Minor Requiring Authoritative Intervention (MRAI)" means any minor under 18 years of age (1) who is (a) absent from home without consent of parent, guardian or custodian, or (b) beyond the control of his or

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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her parent, guardian or custodian, or circumstances which constitute a substantial or immediate danger to the minor's physical safety; and (2) who, after being taken into limited custody for the period provided for in this Section and offered interim crisis intervention services, where available, refuses to return home after the minor and his or her parent, guardian or custodian cannot agree to an arrangement for an alternative voluntary residential placement or to the continuation of such placement. Any minor taken into limited custody for the reasons specified in this Section may not be adjudicated a minor requiring authoritative intervention until the following number of days have elapsed from his or her having been taken into limited custody: 21 days for the first instance of being taken into limited custody and 5 days for the second, third, or fourth instances of being taken into limited custody. For the fifth or any subsequent instance of being taken into limited custody for the reasons specified in this Section, the minor may be adjudicated as requiring authoritative intervention without any specified period of time expiring after his or her being taken into limited custody, without the minor's being offered interim crisis intervention services and without the minor's being offered interim crisis intervention services, and without the minor's being afforded an opportunity to agree to an arrangement for an alternative voluntary residential placement. Notwithstanding any other provision for of this Section, for the first instance in which a minor is taken into limited custody where one year has elapsed from the last instance of his having been taken into limited custody, the minor may not be adjudicated a minor requiring authoritative intervention until 21 days have passed since being taken into limited custody. [705 ILCS 405/3-3] (11/17/Rev-Stat-1997-ch-377-par-493-3)

"Neglected child" means any child whose parent or other person responsible for the child's welfare withholds or denies nourishment or medical care indicated treatment including food or care denied society on the basis of present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise does not provide the proper or necessary support, or medical or other remedial care recognized under State law as necessary for a child's well-being, including adequate food, clothing and shelter, or who is abandoned by his or her parents or other person responsible for the child's welfare or who is a newborn infant whose blood or urine contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or the newborn infant. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual

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means through prayer alone for the treatment or cure of a disease or remedial care. (11/17/Rev-Stat-1997-ch-237-par-2053) means any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the basis of present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support or medical or other remedial care recognized under State law as necessary for a child's well-being (including where there is harm or substantial risk of harm to the child's health or welfare), or other care necessary for a child's well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who is a newborn infant whose blood and urine contains any amount of controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial cure under Section 4 of the Abused and Neglected Child Reporting Act. [325 ILCS 5/3] Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and necessary medical care is not being provided to treat or prevent that harm or risk of harm because such parent or other person responsible for the child's welfare depends upon spiritual means alone for treatment or cure, such child is subject to the requirements of the Abused and Neglected Child Reporting Act for the reporting of, investigation of, and provision of protective services with respect to such child and his health needs, and in such cases spiritual means through prayer alone for the treatment or cure of disease or for remedial care will not be recognized as a substitute for such necessary medical care, if the Department or, as necessary, a juvenile court determines that medical care is necessary. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code. [325 ILCS 5/3]

"Purchase of services provider" means an agency or individual offering services to a Department client through a signed contract with the Department.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

"Relative caregiver" means a person 21 years of age or older, other than the parent, who has physical custody of the child and to whom the child has any of the following currently existing relationships by blood or adoption: grandparent, sibling, great grandparent, uncle, aunt, nephew, niece, first cousin, great uncle, great aunt, or who is the spouse of such a relative or who is the child's step-father, step-mother, step-brother or step-sister.

"Services delivered by the Department" means those social services provided either directly by Department of Children and Family Services staff or by purchase of service providers.

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Authorized Child Care Payments
- 2) Code Citation: 89 Ill. Adm. Code 359
- 3) Section Numbers: Proposed Action:
359.2 Amend
359.4 Amend
- 4) Statutory Authority: The Children and Family Services Act [20 ILCS 505].
- 5) A Complete Description of the Subjects and Issues Involved: References to approved relative homes have been deleted, since the Department is terminating the approval process effective July 1, 1995. The Department will pay the foster care board rate only to relative caregivers who are licensed in accordance with 89 Ill. Adm Code 402, Licensing Standards for Foster Family Homes. When the Department places children with relative caregivers who are not licensed but meet the pre-placement conditions of 89 Ill. Adm. Code 301.80, Relative Home Placement, relative caregivers who choose this option will be referred to the Department of Public Aid to apply for Aid to Families with Dependent Children (AFDC) for the related children placed with them. The Department of Children and Family Services will provide a supplement for children for whom the Department is legally responsible to bring the total income for the related children placed with the relative caregiver to the child only standard of need established for that number of children by the Illinois Department of Public Aid. Relatives who are licensed will be paid more because licensed homes represent a higher level of training and standard of care.

In addition the Department has added a definition of "Relative caregiver" to Section 359.2, Definitions.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These amendments do not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe - Station 222
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. Public hearings have been scheduled on these proposed amendments in the following areas:

April 11, 1995
7:00 p.m.
Quality Inn at Halsted
One South Halsted
Chicago, Illinois
(312) 829-5000

April 13, 1995
7:00 p.m.
State House
Room 212
Springfield, Illinois
(217) 782-2099

Persons are asked to limit their testimony to a maximum of 15 minutes per person. We will gladly accept written testimony at the public hearings. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

12) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendment does not have an affect on small businesses.

13) State reason(s) for this rulemaking if it was not included in either of the two most recent regulatory agendas. The need for this rulemaking was not foreseen at the time the Department filed its regulatory agendas. A major management initiative affecting home of relative care, has prompted the Department to file these amendments at the present time in order to implement them at the start of the next fiscal year.

The full text of the proposed amendment begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER C: FISCAL ADMINISTRATION

PART 359

AUTHORIZED CHILD CARE PAYMENTS

| Section | Purpose |
|---------|---|
| 359.1 | Purpose |
| 359.2 | Definitions |
| 359.3 | Introduction |
| 359.4 | Payments for Substitute Care Services |
| 359.5 | Payments for Family Preservation and Auxiliary Services |
| 359.6 | Payments for Independent Living Arrangements |
| 359.7 | Payments for Children's Personal and Physical Maintenance |
| 359.8 | Payments for Unmarried Mothers |
| 359.9 | Payments for Medical Care |
| 359.10 | Overpayments and Repayments |

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5].

SOURCE: Adopted and codified at 5 Ill. Reg. 13129, effective November 30, 1981; amended at 9 Ill. Reg. 19705, effective December 16, 1985; amended at 10 Ill. Reg. 15575, effective September 19, 1986; amended at 19 Ill. Reg. _____, effective _____.

Section 359.2 Definitions

"Auxiliary services" means those services provided by the Department to children in their own homes as well as to children in placement which supplement or complement the primary service. For example, when advocacy services are provided to children in substitute care, this is an auxiliary service.

"Children for whom the Department has legal responsibility" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or whose parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department.

"Family preservation services" means those services provided to children and families who require social services to maintain the family unit intact.

"Overpayment" means an amount paid for a service in excess of the actual incurred expenses or rate for that service or a payment for a service that is not rendered. This includes board payments for a

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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child that continue after the child is no longer in the placement for which the payment is made.

"Relative caregiver" means a person 21 years of age or older, other than the parent, who has physical custody of the child and to whom the child has any of the following currently existing relationships by blood or adoption: grandparent, sibling, great grandparent, uncle, aunt, nephew, niece, first cousin, great uncle, great aunt, or who is the spouse of such a relative or who is the child's step-father, step-mother, step-brother or step-sister.

"Substitute care services" means those services provided to children who require placement away from their families.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 359.4 Payments for Substitute Care Services

Payments are made for children for whom the Department has legal responsibility in the following types of substitute care living arrangements if the placements meet the requirements established via the purchase of service contracts and the applicable licensing rules as specified in 89 Ill. Adm. Code 337-Relative-Home Placement, 89 Ill. Adm. Code 357, Purchase of Service, 89 Ill. Adm. Code 401, Licensing Standards for Child Welfare Agencies, 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, 89 Ill. Adm. Code 403, Licensing Standards for Group Homes, and 89 Ill. Adm. Code 404, Licensing Standards for Child Care Institutions and Maternity Centers:

- a) Foster family care is provided in licensed foster family homes or approved homes of relative caregivers. The Department recognizes the following types of foster family care:
 - 1) Specialized foster family homes and intensive service foster homes receive additional monthly compensation because they accept children with medical, behavioral and/or psychological problems or because they accept pregnant girls or young mothers who are in need of specialized training in parenting skills, child development, money management, and self sufficiency.
 - 2) Emergency foster homes may be paid a flat rate for days of service provided or may receive retainer fees to assure that emergency beds are available 24 hours per day.
 - 3) Department boarding homes are licensed foster family homes operated by foster parents supervised by the Department.
 - 4) Private agency foster homes are licensed foster homes supervised by licensed child welfare agencies.
 - 5) Relative boarding homes are those homes approved by the Department in which relatives excluding parents provide care for a relative child in the home when the Department has legal responsibility.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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5)6) Deaf foster care is a unique service provided in Department boarding homes for children for whom the Department is not legally responsible who require placement for educational reasons.

b) Relative home care may be provided by relative caregivers, as defined in Section 359.2. If a relative caregiver does not wish to apply for licensure as a foster family home or has applied for licensure and been denied, the relative may provide care to children for whom the Department is legally responsible if the relative family home meets the placement pre-conditions in Section 301.80 of 89 Ill. Adm. Code 301, Placement and Visitation Services. Relative caregivers who choose this option will be referred to the Department of Public Aid to apply for Aid to Families with Dependent Children (AFDC) for the related children placed with them. The Department of Children and Family Services will provide a supplement for children for whom the Department is legally responsible to bring the total income for the related children placed with the relative caregiver to the child only standard of need established for that number of children by the Illinois Department of Public Aid.

b)c) Institution and group home care is provided in licensed institutions and group homes. Rates are established for these facilities via a purchase of service contract with the Department.

c)d) Subsidized adoptive homes are adoptive homes to which the Department provides financial assistance when a special needs child for whom the Department was legally responsible is adopted.

1) Special service subsidy is special help given to handle an anticipated expense when no other resource is available. It may include:

- A) legal fees related to the consummation of the adoption;
 - B) medical costs, not covered by the adopting family's medical insurance or by the Division of Services for Children; Children Specialized Care for children;
 - C) other special services, such as physical therapy, counseling, prostheses, special education a child may require due to a physical or mental handicap.
- 2) Regular adoption assistance payments are monthly payments beyond the legal consummation of the adoption and may continue until the child reaches age 18 (for children adopted after the effective date of this Part November 30, 1981) unless the child has a mental or physical handicap. When other assistance is not available to a child adopted after the effective date of this Part November 30, 1981 with a mental or physical handicap, adoption assistance may be provided to age 21.
- 3) The purpose, amount, and duration of the adoption assistance will be mutually agreed to by the Department and the adopting parents prior to completion of the adoption in the form of a written agreement. The adoption assistance agreement shall be the cost of maintaining the child in an appropriate foster family

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home. Special service fees shall cost no more than such services would cost the Department.

- 4) The Department shall annually review with the adoptive parent(s) the continuing needs of the child for adoption assistance. There shall be an annual written reapplication for adoption assistance prior to the anniversary date of the finalization of the adoption.

d)el Related services are not substitute care services but are provided to enhance the care provided to children who require substitute care services.

- 1) In an effort to upgrade the quality of foster family care, the Department may pay for foster parent training and costs associated with training. These payments are provided as funding allows.

- 2) Permanent planning and adoption contracts may be negotiated with licensed child welfare agencies. These contracts are negotiated to develop plans for children in substitute care and to secure adoptive resources for special needs children.

(Source: Amended at 19 Ill. Reg. _____, effective _____, 10/4)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Background Check of Foster Family Home Applicants

- 2) Code Citation: 89 Ill. Adm. Code 380

- 3) Section Numbers: Proposed Action:

| | |
|----------------|-------|
| 380.1 | Amend |
| 380.2 | Amend |
| 380.3 | Amend |
| 380.4 | Amend |
| 380.5 | Amend |
| 380.6 | Amend |
| 380.7 | Amend |
| 380.8 | Amend |
| 380.12 | Amend |
| 380.13 | Amend |
| 380.14 | Amend |
| 380.Appendix A | New |

- 4) Statutory Authority: Section 4 of the Child Care Act of 1969 [225 ILCS 10/4]

- 5) A Complete Description of the Subjects and Issues Involved: The Child Care Act of 1969 requires criminal background checks of all applicants for licensure as a foster family home and gives the Department the authority to require by rule criminal background checks of other adult members of the household. In addition, the Child Care Act of 1969 requires that persons who have been convicted of committing or attempting to commit certain serious crimes may not be granted a foster parent license and allows the Department to establish standards for how to consider crimes not specifically identified in the Child Care Act. The Department has identified the crimes in Appendix A as sufficiently serious to prevent licensure as a foster family home.

Nearly one fourth of child abuse and neglect reports involve other members of the foster family's household, rather than the foster parents themselves. Therefore, the Department is proposing that criminal background investigations be completed for all adult members of the foster parent(s)' household and that a check of the State Central Registry be completed for any member of the household age 13 or older. This will increase the safety of children placed in foster care and insure that all the safety of the foster home has been thoroughly evaluated.

- 6) Will these proposed amendments replace an emergency rule currently in effect? Yes

- 7) Does this rulemaking contain an automatic repeal date? No

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- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this part? Yes

| Section | Proposed Action | Illinois Register Citation |
|---------|-----------------|-----------------------------------|
| 380.1 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.2 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.3 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.4 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.5 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.6 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.7 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.8 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.9 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.10 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.11 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.12 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.13 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.14 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |

- 10) State of Statewide Policy Objectives: These rules do not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street, Station # 222
Springfield, Illinois 62701-1498

Telephone: (217) 524-1983
TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. Public hearings have been scheduled on these proposed amendments as follows:

April 11, 1995
7:00 p.m.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Quality Inn at Halsted
One South Halsted
Chicago, Illinois
(312) 829-5000

April 13, 1995
7:00 p.m.
State House
Room 212
Springfield, Illinois
(217) 782-2099

Persons are asked to limit their testimony to a maximum of 15 minutes per person. We will gladly accept written testimony at the public hearings. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures at least five days prior to the public hearing.

- 12) Initial Regulatory Flexibility Analysis: The proposed amendments do not affect small businesses.

- 13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: The Department has proposed amendments to 89 Ill. Adm. Code 385, Background Checks, to impose similar requirements on all child care facilities subject to licensure by the Department. Those proposed amendments continue to undergo review and refinement in response to the public comments received. There has been an alarming number of tragedies in foster family and relative home care within the past few months. Therefore, the Department is proceeding with amendments to this Part, which is limited to foster family care, until the issues in 89 Ill. Adm. Code 385 can be resolved fully.

The full text of the proposed amendments are identical to the text of the emergency amendments on page 4756.

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1) Heading of the Part: Client Service Planning

2) Code Citation: 89 Ill. Adm. Code 305

3) Section Numbers: Proposed Action:

305.20 Amend
305.30 Amend
305.40 Amend

4) Statutory Authority: Section 4 of the Children and Family Services Act [20 ILCS 505/4].

5) A Complete Description of the Subjects and Issues Involved: These changes are necessary in order to make Part 305 consistent with other Department rules regarding home of relative care. When children are living apart from their parents but with other related caregivers, they will no longer be considered as neglected for that reason alone. The Department may work to maintain the child with the relative caregiver.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

Section Proposed Action Illinois Register Citation

305.80 Amend December 30, 1995 (18 Ill. Reg. 18164)

10) Statement of Statewide Policy Objectives: These amendments do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].

11) Time, place, and manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe - Station 222

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. Public hearings have been scheduled on these proposed amendments in the following areas:

April 11, 1995

7:00 p.m.

Quality Inn at Halsted

One South Halsted

Chicago, Illinois

(312) 829-5000

April 13, 1995

7:00 p.m.

State House

Room 212

Springfield, Illinois

(217) 782-2099

Persons are asked to limit their testimony to a maximum of 15 minutes per person. We will gladly accept written testimony at the public hearings. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

12) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendment does not have an affect on small businesses.

13) State reason(s) for this rulemaking if it was not included in either of the two most recent regulatory agendas. The need for this rulemaking was not foreseen at the time the Department filed its regulatory agendas. A major management initiative affecting home of relative care has prompted the Department to file these amendments at the present time in order to implement them at the start of the next fiscal year.

The full text of the proposed amendment begins on the next page.

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TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER a: SERVICE DELIVERY

PART 305

CLIENT SERVICE PLANNING

| Section | Purpose |
|---------|--|
| 305.10 | Definitions |
| 305.20 | Introduction to Client Service Planning |
| 305.30 | Types of Permanency Goals and Alternative Permanency Options |
| 305.40 | Service Plan |
| 305.50 | Case Review System |
| 305.60 | Roles and Responsibilities of the Administrative Case Reviewer |
| 305.70 | Decision Review |
| 305.80 | Parent-Child Visitation (Recodified) |
| 305.90 | Evaluating Whether Children in Placement Should Be Returned Home |
| 305.100 | Termination of Parental Rights |
| 305.110 | Planning for the Termination of Services |
| 305.120 | The Department's Role in the Juvenile Court |
| 305.130 | Compliance With the Client Service Planning Requirements |
| 305.140 | |

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505], the Abused and Neglected Child Reporting Act [325 ILCS 5], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 U.S.C. 675 (1991)), the Juvenile Court Act [705 ILCS 405], and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 14456, effective December 29, 1981; amended at 8 Ill. Reg. 21570, effective November 1, 1984; amended at 9 Ill. Reg. 7920, effective May 31, 1985; recodified at 16 Ill. Reg. 12772; amended at 16 Ill. Reg. 16552, effective October 19, 1992; amended at 18 Ill. Reg. 17200, effective December 1, 1994; Section 305.90 recodified to 89 Ill. Adm. Code 301.210 at 19 Ill. Reg. _____; amended at 19 Ill. Reg. _____, effective _____.

Section 305.20 Definitions

"Abandonment" means parental conduct which demonstrates the purpose of relinquishing all parental rights and claims to the child.

"Administrative case review" means a review open to the participation of the parents of the child, conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subjects of the review.

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"Biological father" means a man who has acknowledged his paternity via a notarized statement or whose paternity is adjudicated in court. When paternity has been acknowledged or adjudicated, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) have signed an adoptive surrender or voluntary placement agreement with the Department.

"Delegated relative authority" means the Department has selected a relative caregiver, in accordance with Section 305.40(d), as a continuous, stable living arrangement for related children and has delegated day to day decision making on behalf of those children to the relative caregiver. The Department would retain guardianship of the children and continue to exercise authority over all major decisions which affect their lives and health.

"Department-client" means a child or a family who is receiving child welfare services either directly from the Department or through a purchase of service provider.

"Desertion" means parental conduct which evidences an intention to permanently terminate custody of a child, but not to relinquish all parental rights, claims and responsibilities.

"Discharge planning" means service planning which focuses on providing a smooth transition from Department guardianship or custody and the receipt of child welfare services to discharge from guardianship or custody and the termination of child welfare services.

"Family" means one or more adults and children, related by blood, marriage or adoption and residing in the same household.

"Individual treatment plan (ITP)" or "treatment plan" as defined in 59 Ill. Adm. Code 132, Medicaid Community Mental Health Services, means a written document developed by the appropriate service provider staff with the participation of the client with a mental illness and, if applicable, the client's guardian, which specifies the client's diagnosis, problems, and service needs to be addressed, the intermediate objectives and long-term goals for the services and the planned interventions for achieving these goals.

"Individualized Education Plan/Program (IEP)" means the document prepared by the local school district, as a result of a Multidisciplinary Conference, that identifies the specific special

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education services that will be provided to the child. The IEP also includes education goals, services, frequency, quantity and duration. IEP is further defined in 23 Ill. Adm. Code 226, Special Education.

"Individualized Family Service Plan (IFSP)" means a written working document developed for each child in order to facilitate the provisions of Early Intervention (EI) services. The IFSP is created by the family, an inter-disciplinary team, the core EI agency, and the case manager (service coordinator). The EI agency is responsible for coordinating the IFSP implementation.

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare sees that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from severe physical, mental and emotional harm, and provided with necessary medical care and education required by law. A parent who has abandoned a child, deserted a child for three months, or failed to demonstrate a reasonable degree of interest, concern, or responsibility as to the welfare of a newborn child for 30 days after birth is deemed to have failed to have met the minimum parenting standards, unless the parent has arranged for the child's care in the home of a relative. In addition, a parent who is addicted to alcohol or who is a drug addict, as defined in the Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305] and who has consistently failed to cooperate in a rehabilitation program for a period of at least twelve months is deemed to have failed to have met the minimum parenting standards unless the parent has arranged for the child's safety and well-being have-been-ensured despite the parent's addiction.

"Parents" means the child's legal parents whose rights have not been terminated and adoptive parents. Putative-Biological fathers are considered legal parents when paternity has been acknowledged in writing or adjudicated in court.

"Permanency goal" means the continuous living arrangement which the Department deems desirable for and available to the child. A permanent legal status is usually a component of the permanency goal. The means for attaining a permanency goal as well as the goal itself can change as the child's developmental and emotional needs change or as the child's and family's circumstances change.

"Permanency option" means a placement which provides a continuous, stable living arrangement for the child, but does not necessarily provide a permanent living arrangement or a permanent legal status for the child. Permanency options may serve as steps to the ultimate achievement of a permanency goal.

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"Permanent family placement" means placement in a foster family home or a relative home which is intended to last until the child reaches age 21 or until the child is capable of self-sufficiency. The Department may retain guardianship of the child, or the foster parent or relative may take guardianship of the child.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or by a court of law.

"Rehabilitative services plan." A written plan developed in accordance with 59 Ill. Adm. Code 132.155, Medicaid Community Mental Health Services, which includes identification of the problems to be addressed, the rehabilitative services to be provided and the outcomes to be achieved for eligible clients served by the Department pursuant to the Abused and Neglected Child Reporting Act, the Children and Family Services Act or the Juvenile Court Act of 1987.

"Relative caregiver" means a person 21 years of age or older, other than the parent, who has physical custody of the child and to whom the child has any of the following currently existing relationships by blood or adoption: grandparent, sibling, great grandparent, uncle, aunt, nephew, niece, first cousin, great uncle, great aunt, or who is the spouse of such a relative or who is the child's step-father, step-mother, step-brother or step-sister.

"Service plan" means a written plan on a form prescribed by the Department which guides all participants in the plan toward the permanency goals for the children.

"Substitute care" means the care of children who require placement away from their families. Substitute care includes foster family care, care provided in a an--approved relative home placement as defined in 89 Ill. Adm. Code 301, Placement and Visitation Services, Section 301.80, care provided in a group home, and care provided in a child care or other institution.

"Termination of parental rights" means a court order which relieves the legal parents of parental responsibility for the child and revokes all legal rights with respect to the child. The termination order also frees the child from all obligations of maintenance and obedience with respect to the legal parents.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 305.30 Introduction to Client Service Planning

- a) Principles of Client Service Planning

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- 1) Client service planning is an on-going process that must begin with an assessment of client need in relation to Department service mandates and must include periodic reassessment of such needs in light of the services provided, the permanency goal or an alternative permanency option, and the progress toward achieving the goal or option.
- 2) Case planning must ensure accountability on the part of clients, the Department and other service providers through written documentation of expectations and obligations. This documentation should include:
 - A) a desired permanent living arrangement for each child served that is recorded in the service plan as a permanency goal or permanency option;
 - B) identification of problems that must be resolved to achieve this status, including, when applicable, achievement of minimum parenting standards;
 - C) identification of measurable changes or outcomes that will signify problem resolution;
 - D) identification of what the Department and other service providers will provide toward achieving the desired permanent living arrangement;
 - E) identification of applicable timeframes; and
 - F) identification of any consequences to the client if the timeframes are not met.
- 3) Although the Department maintains ultimate responsibility for the service plan, case planning must be an inclusive process in which all of the participants in a case (parents, children, service providers) are given the opportunity to have input.
- 4) Case planning activities, including development of the service plan and case review, reflect and must be consistent with federal and State requirements, e.g., 42 U.S.G.-675-~~61991~~ U.S.C.A. 670 et seq. and the Children and Family Services Act [20 ILCS 505].
- b) The Need For a Permanent, Secure and Nurturing Home
 - 1) The Department recognizes that children need permanent, secure, and nurturing homes for healthy psychological development in order to mature to stable adulthood. ~~Therefore~~ whenever it is in the best interests of the child, the Department strives to preserve family life and to stabilize children's homes; ~~whenever possible~~ and to assist in the solution of problems which are likely to result in the abuse, neglect, or exploitation of children.
 - 2) When children and ~~families~~ parents must be separated to reduce or prevent harm to the children, the Department strives to reunite families as quickly as is consistent with the children's best interests, safety and well-being. ~~Sometimes~~ When children and ~~families~~ parents cannot be reunited because the parents are unable or unwilling to care for the children and therefore cannot achieve the minimum parenting standards; ~~-----When this~~

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- c) The Department strives to find other permanent homes for children.
 - 1) The Child's Sense of Time and The Importance of Aggressive Planning
 - 1) The Department recognizes that children have a different sense of time than adults. What seems like a short family disruption or a brief separation to adults may be a very painful and intolerably long period for children. In general, younger children are less able to tolerate periods of separation than older children. For this reason, the Department shall act promptly using the best information available when dealing with children and their families.
 - 2) The Department believes that aggressive planning with an emphasis on decision making, followed by the actions needed to carry out those decisions, will secure permanent homes for children. Therefore, the Department requires service planning directed toward a permanency goal beginning from the earliest contacts with children and families. Through service planning the Department strives to assure that children are in permanent homes as quickly as is consistent with their safety and well-being while recognizing the urgency caused by the child's sense of time.
- d) The Use of Outside Consultation
 - 1) The Department recognizes the gravity of the decisions that must be made and, recognizing the urgency caused by the child's sense of time, the importance of acting deliberatively, yet promptly, on each case. Therefore, the Department strives to consult professionals and agencies outside the Department and to seek a balance of opinions from the following public and private agencies, when appropriate:
 - A) health, education and social service agencies;
 - B) law enforcement agencies; and
 - C) other agencies, organizations, or programs which provide or are concerned with human services.
 - 2) This consultation allows Department staff to attain a broad perspective on the alternatives available to children and families and on the potential impact of these alternatives on the lives of the children and families served.
- e) The Critical Decisions
 - 1) Although all Department decisions affecting children and families are important, the Department identifies the following decisions as the most critical ones affecting children and families:
 - A) deciding whether to remove children from the home of their parents or relative caregiver or whether services can prevent placement away from their parents or relative caregiver;
 - B) deciding whether to return children to the home of their parents or relative caregiver from a placement away from their parents or relative caregiver;

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- C) deciding whether to decrease the frequency or the duration of parent-child parent and/or sibling visits with the child and whether the visits should be supervised;
- D) deciding whether to change children's placements;
- E) deciding whether parental rights should be terminated and an alternate permanent home sought; **and**
- F) deciding if children are prepared for partial or total independence; **or**
- G) deciding whether children shall be placed apart from siblings who are also placed in substitute care.
- 2) When making a critical decision, any opinions or recommendations from professionals or agencies outside the Department shall be carefully weighed. In addition, the Department requires the participation of children and families in service planning and decision-making to the greatest extent possible.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 305.40 Types of Permanency Goals and Alternative Permanency Options

- a) The Department shall consider the recommendations of the purchase of service providers, if any, and shall select permanency goals or alternative permanency options for the children and families it serves in order to guide service planning and achieve permanent homes for children. The Department shall ensure that services provided to children and families move them toward the permanency goals or alternative permanency options. The permanency goals are:
- 1) Remaining at Home;
 - 2) Returning Home;
 - 3) Adoption;
 - 4) Permanent Family Placement
 - A) with an unrelated foster family;
 - B) with relatives;
 - 5) Independence;
 - 6) Long Term Care in a Residential Facility; and
 - 7) Substitute Care Pending Court Decision Regarding Termination of Parental Rights.
- b) When selecting a permanency goal, the Department shall use the criteria in this Section.
- 1) Remaining at Home

Remaining home with their parents or private guardian is the preferred goal when the child's safety and well-being are not clearly endangered if allowed to remain at home. This permanency goal is consistent with the Department's service goal of family preservation. It emphasizes the importance of keeping families together and also stresses that the family is primarily responsible for caring for the child. In addition, this

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- permanency goal is usually the least disruptive to family life.
- 2) Returning Home
 - A) Returning children to their parents parent(s)' or private guardian(s)' homes is the preferred goal for children who have been placed in substitute care away from their parents. This permanency goal is consistent with the Department's service goal of family reunification. It reinforces the family's responsibility to care for their children and maintain the family relationship. Furthermore, this permanency goal is usually the least traumatic alternative for both the families and children. Returning home should be established as the permanency goal:
 - i) when the parents appear to have the capability to attain the minimum parenting standards with the aid of family reunification services; and
 - ii) when the parents are cooperative with the Department and its purchase of service providers, if any, and want to resolve the problems.
 - B) Returning home should be continued as the permanency goal as long as the parents are substantially complying with the requirements of the service plan and are progressing satisfactorily toward the permanency goal.
- 3) Adoption

Adoption is the preferred permanency goal when parental rights have been terminated on a child. This permanency goal is to be established only:

 - A) after both parents have signed adoptive surrenders; or
 - B) after a court has terminated the parental rights of both parents and has designated the Department as guardian with the power to consent to the child's adoption; or
 - C) after one parent has signed an adoptive surrender and parental rights have been terminated on the remaining parent through court action; or
 - D) when one parent has signed an adoptive surrender and the identity and/or the whereabouts of the remaining parent is unknown, and the Department expects the parental rights of the remaining parent to be terminated through court action; and
 - E) the child, if 14 years of age or over, consents to the adoption.
- 4) Permanent Family Placement
 - A) Although a permanent family placement is more desirable than a series of short-term placements, it is not a preferred permanency goal for the child. Without the legal safeguards offered by a permanent legal guardian, a permanent family placement may fail to provide the child with a sense of belonging and permanency. A permanent family placement is the permanency goal only:

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- i) when to return the child home is not consistent with ensuring the child's safety and well-being; and
 - ii) when the child, if 14 years of age or older, clearly does not want to be adopted or the child, if under age 14, has been provided counseling to help him accept another family, but continues to be unable to accept another family; or
 - iii) the child is otherwise deemed unadoptable.
- B) The Department shall strive to assure continuity of care, a sense of permanency, and emotional support for the child by establishing the child's permanent ~~caretaker~~ caregiver as the legal guardian of the child. However, taking legal guardianship is not required for the placement to be considered permanent.
- C) When weighing the advantages of a permanent family placement with relatives against the advantages of a permanent family placement with an unrelated foster family, the quality of the relationship between the relatives, the child, the child's parents, and the child's foster parents, if any, shall be a factor. In addition, other factors shall be the likelihood of establishing a permanent legal relationship between the child and the relative as compared to the likelihood of establishing a permanent legal relationship between the child and the unrelated foster parents.
- 5) Independence
- Independence may be a goal for adolescents 16 years of age or older who have demonstrated the ability to care for themselves, who do not wish to be adopted, who are becoming economically self-sufficient, or who are establishing a family of their own. When the child becomes 18, the child must cooperate according to his service plan. If the child 18 years of age or over does not cooperate, the Department may seek to terminate services and seek to end its legal relationship with the child.
- 6) Long-Term Care in a Residential Facility
- A) A very small percentage of children served by the Department are determined severely physically, mentally, or emotionally handicapped by a physician, psychiatrist, or other professional qualified by education or experience to make this judgment. These children require long term care, usually in an intermediate or skilled nursing facility, or in a child care institution. They are expected to continue to need this care in the foreseeable future. For these children, long-term care in a residential facility is the permanency goal.
- B) These severely physically, mentally, or emotionally handicapped children who require long-term care should not be confused with children who are in group homes or institutions in order to receive intensive, short-term

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- treatment directed toward correcting problems which significantly interfere with life outside the institution. Long-term care in a residential facility is not an appropriate permanency goal for children who are receiving short-term, intensive services in a group home or institution.
- 7) Substitute Care Pending Court Decision Regarding Termination of Parental Rights
- A) Substitute care pending court decision regarding termination of parental rights is the preferred permanency goal when a decision has been made to pursue termination of parental rights. This goal is to be established only when:
- i) Efforts to reunite the child and biological or legal family have been unsuccessful as documented in the case record; or
 - ii) The evaluations of at least two professionals must find the parent(s) have a chronic incapacity which will not respond to rehabilitation and which makes it clearly improbable that the parents will attain minimum parenting standards. These professionals must be qualified by their education or experience in the fields of psychiatry, psychology, social work, developmental disabilities, chemical dependency, or other specialized areas of knowledge relevant to the pending issue. These evaluations shall weigh whether the parents can attain the minimum parenting standards (established by the Department) after considering the public, private and extended family resources which can assist the parents with caring for the children; and
 - iii) The child, if 14 years of age or older, is in agreement with the plan to pursue termination of parental rights; and
 - iv) Department legal staff determine if there is sufficient evidence to pursue termination of parental rights in accordance with Section 1 (D) of the Adoption Act (750 ILCS 50/1).
- B) This goal shall continue as the permanency goal until such time as the court has granted or denied termination of parental rights, or until such time as a degree of progress is noted in the parent(s) situation which would require an evaluation of, and possible change in the established permanency goal pursuant to Sections 305.50 and 305.60.
- C) If the court grants termination of parental rights, this goal shall be changed to adoption. If the termination of parental rights petition is denied, another permanency goal shall be selected.
- c) Permanency Options

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In addition to the permanency goals identified in subsection (b) above, the Department also recognizes delegated relative authority as an alternative permanency option which does not provide the legal status of a permanency goal, but does allow the child to be placed in a stable, continuous living arrangement. When delegated relative authority is selected as a permanency option, the relative caregiver shall continue to receive payments for the care of the child which shall equal the foster-care-rate payment in effect when authority for the child's care was delegated to the relative. Administrative case reviews shall continue to be conducted at least every six months, permanency review hearings shall continue to be held as required by law, and parent/child visits shall continue, as appropriate. The Department retains guardianship of the child and the authority to make all major medical consents and other major decisions which affect the related children's lives and health.

d) Delegated relative authority may be selected as a permanency option for the following types of cases:

- 1) the children have been living with a related relative caregiver who has been approved under 89-III--Adm--Code-3957--Relative--Home Placement--or licensed under 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, or who has met the placement preconditions prescribed in 89 Ill. Adm. Code 301, Placement and Visitation Services, Section 301.80 Relative Home Placement, and the children have remained with the related relative caregiver for a minimum of one year immediately prior to establishing delegated relative authority;
- 2) the children have been are in the guardianship of the Department for--at--least--six--months immediately prior to establishing delegated relative authority;
- 3) the children do not have extraordinary medical, mental health, or educational needs which require targeted---case---management additional casework services;
- 4) the relative caregivers have demonstrated the willingness and ability to protect the children from persons who may harm them;
- 5) the relative caregivers have demonstrated the willingness and ability to appropriately control and supervise visits and contacts between the children and their biological or legal parents, in accordance with the service plan developed by the Department;
- 6) the relative caregivers have a safe and stable home environment which poses no danger to the related children;
- 7) the Department has documented that reunification with the biological or legal parents within a one year period is highly unlikely for reasons such as:
 - A) long-term parental incarceration; or
 - B) chronic and serious mental illness; or
 - C) serious physical or mental incapacity; or
 - D) addiction to drugs or alcohol which is not responding

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successfully to treatment; or
 E) other significant barriers to returning the children home within one year;

- 8) adoption (unless adoption by the relative caregiver is pending) or private guardianship as a permanency goal has been determined to be not in the best interests of the related children; or
- 9) other circumstances as the Department may determine to be appropriate.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Foster Care Placement Goal2) Code Citation: 89 Ill. Adm. Code 3013) Section Numbers: Proposed Action:

301.1 Renumbered to 301.310, Amend
 301.2 Repealed
 301.3 Renumbered to 301.320, Amend
 301.4 Renumbered to 301.330, Amend
 301.10 New Section
 301.20 New Section
 301.30 New Section
 301.40 New Section
 301.50 New Section
 301.60 New Section
 301.80 New Section
 301.90 New Section
 301.100 New Section
 301.110 New Section
 301.120 New Section
 301.130 New Section
 301.140 New Section

4) Statutory Authority: Section 4 of the Children and Family Services Act [20 ILCS 505/4].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add Department rules on placement services formerly contained in 89 Ill. Adm. Code 302, Services Delivered by the Department, Section 302.390, Placement Services. At a later date the Department will add rules on sibling visitation to create Subpart B. The result of these changes will be that Department policy governing placement and visitation services will be brought together into one set of rules. The current content of Part 301, which is Foster Care Placement Goal, has been renumbered to Subpart C.

In addition to these reformatting changes, the Department is amending its policy regarding the selection of a placement for a child. Although relatives will be considered when seeking a placement for a child, the primary factors will be the child's best interests and special needs. When the Department does place a child in the home of a relative, the home must either be licensed as a foster family home or meet certain pre-placement conditions which are specified in 89 Ill. Adm. Code 301.80, Relative Home Placement. The pre-placement conditions replace and improve upon the pre-placement conditions found in 89 Ill. Adm. Code 335, Relative Home Placement, which is being repealed.

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6) Will this proposed amendment replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? No9) Are there any other amendments pending on this Part? No10) Statement of Statewide Policy Objectives: These amendments do not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication on this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
 Office of Rules and Procedures
 Department of Children and Family Services
 406 East Monroe - Station #222
 Springfield, Illinois 62701-1498
 Telephone: (217) 524-1983
 TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. Public hearings have been scheduled on these proposed amendments in the following areas:

April 11, 1995
 7:00 p.m.
 Quality Inn at Halsted
 One South Halsted
 Chicago, Illinois
 (312) 829-5000

April 13, 1995
 7:00 p.m.
 State House
 Room 212
 Springfield, Illinois
 (217) 782-2199

Persons are asked to limit their testimony to a maximum of 15 minutes per

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person. We will gladly accept written testimony at the public hearings. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

12) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendment does not have an effect on small businesses.

13) State reason(s) for this rulemaking if it was not included in either of the two most recent regulatory agendas. The transfer of the rules on placement and visitation to this Part was announced in the Regulatory Agenda published in the January 13, 1995 Illinois Register. The amendments regarding relative home placements were not foreseen at the time the Department filed its regulatory agendas. A major management initiative affecting home of relative care has prompted the Department to file these amendments at the present time in order to implement them at the start of the next fiscal year.

The full text of the proposed amendment begins on the next page.

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 301

FOSTER-CARE-PLACEMENT-604B PLACEMENT AND VISITATION SERVICES

Section

- 301.1 Purpose (Renumbered)
- 301.2 Definition (Repealed)
- 301.3 Foster Care Placement Goal (Renumbered)
- 301.4 Plans to Achieve This Goal (Renumbered)

SUBPART A: PLACEMENT SERVICES

Section

- 301.10 Purpose
- 301.20 Definitions
- 301.30 Introduction
- 301.40 Legal Authority to Place
- 301.50 Emergency Placement
- 301.60 Placement Selection Criteria
- 301.80 Relative Home Placement
- 301.90 Foster Family Home Care
- 301.100 Residential Care
- 301.110 Care in a Medical/Psychiatric Facility
- 301.120 Sharing Appropriate Information with the Caregiver
- 301.130 Medical Examinations for Children in Placement
- 301.140 Education of Children While in Placement

SUBPART C: FOSTER CARE PLACEMENT GOAL

Section

- ~~301.301.310~~ Purpose
- ~~301.301.320~~ Foster Care Placement Goal
- ~~301.401.330~~ Plans to Achieve This Goal

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; Section 1-103 of the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305/1-103]; Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 7 Ill. Reg. 881, effective January 12, 1983; amended at 9 Ill. Reg. 9904, effective July 1, 1985; amended at 19 Ill. Reg. _____, effective _____.

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Section 301.1 Purpose (Renumbered)

(Source: Section 301.1 renumbered to Section 301.310 at 19 Ill. Reg. _____, effective _____)

Section 301.2 Definition (Repealed)

~~"Federally-funded-foster-care" means foster care maintenance payments made in accordance with Title IV-E of the Social Security Act for which Federal matching grants are received;~~

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 301.3 Foster Care Placement Goal (Renumbered)

(Source: Section 301.3 renumbered to Section 301.320 at 19 Ill. Reg. _____, effective _____)

Section 301.4 Plans to Achieve This Goal (Renumbered)

(Source: Section 301.4 renumbered to Section 301.330 at 19 Ill. Reg. _____, effective _____)

SUBPART A: PLACEMENT SERVICES

Section 301.10 Purpose

The purpose of this Subpart is to describe the substitute care services provided by the Department or its contractual agencies when it is in the best interests of children to be placed apart from their parents or guardians. Included in this Subpart is an explanation of:

- the conditions under which children are placed in substitute care;
- the types of substitute care settings in which children are placed;
- the criteria used for selecting a placement; and
- other legal and service requirements that must be fulfilled when placing children.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 301.20 Definitions

"Administrative case review" or "ACR" means case reviews required by 42 U.S.C.A. 675(1) and 20 ILCS 505/6a.

"Biological father" means a man who has acknowledged his paternity via a notarized statement or whose paternity is adjudicated in court. When

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paternity has been acknowledged or adjudicated, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) signed an adoptive surrender or voluntary placement agreement with the Department.

"Department" as used in this Part, means the Department of Children and Family Services.

"Family" means one or more adults and children, related by blood, marriage, or adoption and residing in the same household.

"Federally-funded foster care" means foster care maintenance payments made in accordance with Title IV-E of the Social Security Act for which federal matching grants are received.

"LEADS" means Law Enforcement Agency Data System.

"Parents" means the child's legal parents whose parental rights have not been terminated and adoptive parents. Biological fathers are considered legal parents when paternity has been acknowledged via a notarized written statement or adjudicated in court.

"Permanency goal" means the continuous living arrangement which the Department deems desirable for and available to the child. A permanent legal status is usually a component of the permanency goal. The means for attaining a permanency goal as well as the goal itself can change as the child's developmental and emotional needs change or as the child's and family's circumstances change.

"Permanent family placement" means placement in a foster family home or a relative home which is intended to last until the child reaches age 21 or until the child is capable of self-sufficiency. The Department may retain guardianship of the child, or the foster parent or relative may assume guardianship of the child.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court order.

"Relative" means a person 21 years of age or over, other than a parent, to whom the child has any of the following currently existing relationships by blood or adoption: grandparent, sibling, grandparent, uncle, aunt, nephew, niece, first cousin, great aunt, or who is the spouse of such a relative or who

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child's step-father, step-mother, step- brother or step-sister.

"Substitute care" means the care of children who require placement away from their families. Substitute care includes foster family care, care of a child for whom the Department is legally responsible provided in a relative family home, care provided in a group home, and care provided in a child care or other institution.

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 301.30 Introduction

Placement or substitute care services means the care of children for whom the Department is legally responsible who require a living arrangement away from their families due to abuse, neglect, dependency, voluntary surrender of parental rights, or voluntary placement agreement. Placement services include foster family or relative home care, care provided in a group home or child care institution or other institution. Placement is intended to be a temporary situation for the children during the time that the parents' ability to care for the child is being evaluated or the parents are receiving services to alleviate the problems in the home so the family can be reunited. However, there may be times when it is in the best interests of the child to seek a permanent placement away from the child's family. In these instances a permanency goal other than family reunification is sought. The complete range of permanency goals is described in 89 Ill. Adm. Code 305, Client Service Planning.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 301.40 Legal Authority to Place

The Department shall not place children until it has the appropriate legal authority to do so. Such legal authority includes:

- a) temporary protective custody in accordance with the Abused and Neglected Child Reporting Act [325 ILCS 5];
- b) adoptive surrender in accordance with the Adoption Act [750 ILCS 50];
- c) custody or guardianship in accordance with the Juvenile Court Act of 1987 [705 ILCS 405]; or
- d) temporary custody with written consent of the parent(s) or, if the child is not in the custody of either parent, written consent of the

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guardian or custodian of the child, in accordance with the Children and Family Services Act [20 ILCS 505]. A written consent from a parent, guardian or legal custodian requesting temporary placement services for their child(ren) is known as a voluntary placement agreement. A voluntary placement agreement may be entered into for a maximum of 60 days when it is in the best interests of the children. A voluntary placement agreement requires prior written approval of the administrator in charge of the Department region or his designee. A voluntary placement agreement may be renewed for an additional 60 days only with the prior non-delegable written approval of the administrator in charge of the Department region.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 301.50 Emergency Placement

Emergency placement services shall be provided immediately when the provision of other services are not in the child's best interests or will not ensure the safety of the child and the Department has reason to believe:

- a) that leaving the child in the home of his or her caregiver would present an imminent danger to the child's life or health; or
- b) that a child has been left unsupervised for an unreasonable period of time without regard for the mental or physical health, safety, or welfare of the child and the child's parents cannot be readily located; or
- c) that services directed toward keeping the family together would not be in the child's best interests or would not sufficiently protect the child from harm, thus endangering the child's safety and well-being; or
- d) that the child appears to be severely ill or injured and the parent or caregiver is unable to care for the child in this situation; or
- e) the child is abandoned; or
- f) the child is a runaway in accordance with 89 Ill. Adm. Code 329, Return of Runaway Children.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 301.60 Placement Selection Criteria

All placement decisions will be made consistent with the best interests and special needs of the child. When a child is removed from the care of a custodial parent, the placing worker shall explore whether the non-custodial parent would be a suitable caregiver for the child. If placement with the non-custodial parent is not consistent with the best interests and special needs of the child or if the non-custodial parent is not a suitable caregiver for the child, placement in substitute care shall be considered. Substitute

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care placement decisions consistent with the best interests and special needs of the child shall be made in consideration of the following:

- a) the least restrictive setting appropriate for the child which most closely approximates a family;
- b) placement within reasonable proximity to the child's home when the permanency goal is return home, and within the child's school district, whenever possible, taking into account any special needs of the child and family, the importance of maintaining continuity of the children's educational and social relationships, and the availability of the service resources needed for the child and family;
- c) a home that, if possible, most closely approximates the religious, racial, ethnic and cultural background of the child; and
- d) placement, if the child is of American Indian heritage, according to criteria described in 89 Ill. Adm. Code 307, Indian Child Welfare Services.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 301.80 Relative Home Placement

a) A child for whom the Department is legally responsible may be placed in the home of a relative when the Department has reason to believe that the relative can safely and adequately care for the child in the absence of formal licensing, including training. In determining whether relative home placement is in the best interests of the child, the placing worker shall consider the child's prior relationship with the relative, the comfort level of the child with the relative, and the extent to which the relative complies with the placement selection criteria of Section 301.60.

b) No child under age 18 for whom the Department is legally responsible shall be placed with a relative unless the pre-conditions specified in this Section have been met prior to placement of the child with the relative. Staff of the placing agency shall meet with the relative and ascertain that the relative meets the following preconditions and signs an agreement to that effect. The relative:

- 1) will accept for care no more than the number of children consistent with the number and ages of children permitted in a licensed foster family home (89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes);
 - 2) is willing and capable of protecting the child(ren) from harm by the parent(s) or any other person whose actions or inactions allegedly threatened the child(ren)'s safety or well-being as determined by a child abuse or neglect investigation pursuant to the Abused and Neglected Child Reporting Act (325 ICS 5);
 - 3) agrees not to transfer physical custody of the child(ren) to any person other than the parent(s) or the child(ren); and
- previously authorized in writing by the Department;

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4) agrees not to allow the indicated or alleged perpetrators of abuse or neglect to reside in the relative's home unless previously authorized in writing by the Department;

5) agrees to notify the Department of any changes in the household composition;

6) agrees to notify the Department of any change of address;

7) agrees to seek the prior written consent of the Department for non-emergency medical, psychological, or psychiatric testing or treatment;

8) agrees to take the child(ren) out of state only if previously authorized in writing by the Department;

9) agrees to abide by any conditions or limitations on the parent-child visitation plan which have been imposed by the court or are contained in the client service plan;

10) is willing to cooperate with the agency, the child(ren)'s parent(s) and other resource persons to help develop and achieve the permanency goal recorded in the child(ren)'s service plan; and

11) agrees to adequately supervise the children so they are not left in situations or circumstances which are likely to require judgment or actions greater than the child's level of maturity, physical condition, and mental abilities must reasonably dictate.

c) Prior to placement with a relative, staff of the placing agency shall visit the home of the proposed caregiver and shall determine whether the following placement pre-conditions are met:

1) background checks of the Child Abuse Neglect Tracking System (CANTS) as required by 89 Ill. Adm. Code 385 (Background Checks) have been completed on all adult members of the household and children age 13 and over, communicated to the supervising agency prior to placement; and

2) a check of the Law Enforcement Agency Data System (LEADS) on all adult members of the household is completed prior to placement of the related child(ren). If the results of the LEADS check identify prior criminal convictions or any pending criminal charges listed in the LEADS system, the Department shall conduct a Check of Foster Family Home Applicants, for any adult member of the household, child(ren) shall not be placed in the relative's home;

3) the home is free from observable hazards;

4) prescription and non-prescription drugs, dangerous household supplies, dangerous tools, weapons, guns and ammunition are stored in places inaccessible to children;

5) the child(ren) is/are in the home;

6) sleeping arrangements are suitable to the child(ren);

7) meals can be provided daily to the related child(ren).

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- 8) sufficient quantities to meet the child(ren)'s nutritional needs; supervision of the related child(ren) can be assured at all times including times when the relative is employed or otherwise engaged in activity outside of the home;
- 9) the relative can provide basic necessities for themselves and their own child(ren);
- 10) the relative can access health care and provide necessary in-home support for any health care needs of the related child(ren);
- 11) no member of the household appears to have a communicable disease which could pose a threat to the health of the related child(ren) or an emotional or physical impairment which could affect the ability of the caregiver to provide routine daily care to the related child(ren) or to evacuate them safely in an emergency;
- 12) there is no evidence of current drug or alcohol abuse by any household member as determined by the placing agency's observations and statements provided by the relative;
- 13) the relative has the ability to contact the agency, if necessary, and the ability to be contacted;
- 14) the relative has immediate access to a telephone when the related child has medical or other special needs; and
- 15) the relative shall cooperate with the supervising agency's educational and service plan for the child.

d) Prior to or concurrent with placement in a relative's home, staff of the placing agency shall document, on the form prescribed by the Department, that the pre-conditions prescribed by this Section have been met.

e) The Department shall reassess the appropriateness of the relative home placement prior to each administrative case review and at any point the Department has reason to believe the relative caregiver can no longer safely or adequately care for the child(ren) as measured by the conditions described in subsection (c).

f) The Department will advise relatives that the Department will assist them in applying to the Illinois Department of Public Aid for Aid to Families with Dependent Children (AFDC) for related children placed with them and that the Department will provide a supplement to bring the total income for the related children placed with them to the child only standard of need established for that number of children by the Illinois Department of Public Aid.

g) Relatives who care for children for whom the Department is legally responsible may, but need not, apply for licensure as a foster family home in accordance with the requirements of 89 Ill. Adm. Code 402. Licensing Standards for Foster Family Homes. When a relative is licensed under Part 402, the relative will receive the established foster care payment rate appropriate for the number and ages of foster children placed in care.

(Source: Added at 19 Ill. Reg. _____, effective _____)

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Section 301.90 Foster Family Home Care

- a) Foster family home care is provided in licensed foster family homes for children who cannot remain home and who can benefit from a family structure of care. The Department shall have legal responsibility for the child before the child is placed in a foster family home and the home shall have received a license or permit to receive children for foster care.
- b) Although foster family home care is generally provided to children whose parents are unable or unwilling to protect or care for them, it is also available for hearing impaired children who require special education not available in their home communities. The Department is not legally responsible for the children receiving this unique placement service. Care is provided in cooperation with the Illinois State Board of Education.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 301.100 Residential Care

Residential care is provided in licensed group homes and residential care facilities (child care institutions). Group home care is provided for youth unable to adjust to family living who need a less structured living situation than is provided in residential care facilities. Placement in a residential care facility shall be made only when no other less restrictive setting is appropriate for children requiring intensive services to change behaviors which significantly interfere with their ability to cope with daily life or which preclude placement in a family setting.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 301.110 Care in a Medical/Psychiatric Facility

Care in a medical or psychiatric facility is provided for:

- a) children who require long term care on an ongoing basis in an intermediate or skilled nursing care facility because of a severe physical or mental disability.
- b) children who require acute or long term care on an ongoing basis because of a severe emotional handicap.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 301.120 Sharing Appropriate Information with the Caregiver

- a) At the time the Department places a child in foster care or other

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substitute care setting, the Department shall provide available information about the child necessary for the proper care of the child to the foster parent or other caregiver.

b) This information includes:

- 1) The medical history of the child including known medical problems or communicable diseases, information concerning the immunization status of the child, and insurance and medical card information;
- 2) The school history of the child, including any special educational needs;
- 3) A copy of the child's portion of the client service plan, case history of the child, including how the child came into care, the child's legal status, the permanency goal for the child and a history of the child's previous placements, criminal history, if any, and reasons for placement changes, excluding information that identifies or reveals the location of any previous foster or relative home caregiver;
- 4) Other background information of the child, including behavior problems, any prior criminal history, habits, likes, dislikes, etc.
- 5) Information subject to the Mental Health and Developmental Disabilities Confidentiality Act shall be shared only in accordance with 89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department, Section 431.110.
- 6) Information regarding Acquired Immunodeficiency Syndrome (AIDS), AIDS Related Complex (ARC) or Human Immunodeficiency Virus (HIV) test results, shall be shared only in accordance with 89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served By the Department, Section 431.110.
- 7) When the above information is not available at the time of placement, the caregiver shall be given what information is available and advised that additional information will be provided when it is received.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 301.130 Medical Examinations for Children in Placement

The Department shall ensure that:

- a) all children entering substitute care receive an initial health screening within 24 hours of the Department assuming legal custody of a child, preferably, before placement, regardless of the type of custody (i.e., protective custody, temporary custody, or voluntary placement agreement);
- b) all children for whom the Department is awarded temporary custody receive a comprehensive health examination within 60 days of the placement of the Department of Public Aid's Early and Periodic Screening,

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Diagnosis and Treatment (EPSDT) schedule within 21 days of the date on which the Department was given temporary custody of a child; and

c) all children entering substitute care via a voluntary placement agreement receive a comprehensive health evaluation within 21 days of the date on which the Department accepted custody of the child via the voluntary placement agreement.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 301.140 Education of Children While in Placement

When children are placed in substitute care, the Department shall ensure that they are enrolled in school in accordance with the provisions of 89 Adm. Code 314, Educational Services and that they receive the educational services required by that Part.

(Source: Added at 19 Ill. Reg. _____, effective _____)

SUBPART C: FOSTER CARE PLACEMENT GOAL**Section 301.3-301.310 Purpose**

The purpose of this Part Subpart is to comply with Federal requirements by establishing the Department's goal for the maximum number of children who will remain in Federally funded foster care after having been in such care for a period in excess of 24 months. In addition, this Part Subpart explains the Department's plans to achieve this goal.

(Source: Section 301.310 renumbered from Section 301.1 and amended at 19 Ill. Reg. _____, effective _____)

Section 301.3-301.320 Foster Care Placement Goal

The Department of Children and Family Services has set the following percentage goal which is applicable at any time during each Federal Fiscal Year. A maximum of 60% of all children receiving Aid to Families With Dependent Children - Foster-Care-(AFDC-FC) under Title IV-E during a Federal Fiscal Year will remain in foster care if they have been in such care for a period in excess of 24 months.

(Source: Section 301.320 renumbered from Section 301.3 and amended at 19 Ill. Reg. _____, effective _____)

Section 301.4-301.330 Plans to Achieve This Goal

- a) In order to achieve this goal, the Department shall observe the

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necessary prerequisites of client service planning set forth in 89 Ill. Adm. Code 305, Client Service Planning, in providing the child welfare services described in 89 Ill. Adm. Code 302, Services Delivered By The Department. Such planning and service delivery shall:

- 1) assure that parental visits with children who are to be returned home are arranged as scheduled and agreed upon in the service plan;
 - 2) acquire or provide appropriate services to the family and/or child;
 - 3) contact the family and/or child on a regular basis to provide supportive casework services;
 - 4) develop and implement service plans, as provided for in 89 Ill. Adm. Code 305: Client Service Planning, which can be understood by the participating family members; and
 - 5) conduct reviews of these cases as required by State law, consistent with the program guidelines in P.L. 96-272 (42 U.S.C.A. 670 et seq.).
- b) If it is determined that children cannot be returned home and an adoptive family must be sought, the Department shall:
- 1) seek the termination of the biological family's parental rights,
 - 2) conduct an extensive search for an appropriate adoptive family, and
 - 3) provide supportive casework services to the adoptive family, if appropriate.

(Source: Section 301.330 renumbered from Section 301.4 and amended at 19 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Licensing Standards for Foster Family Homes
- 2) Code Citation: 89 Ill. Adm. Code 402

3) Section Numbers: Proposed Action:

| | |
|----------------|-----------------|
| 402.2 | Amend |
| 402.3 | Amend |
| 402.4 | Amend |
| 402.6 | Renumber |
| 402.7 | Renumber, Amend |
| 402.8 | Amend |
| 402.9 | Amend |
| 402.12 | Amend |
| 402.13 | Amend |
| 402.15 | Amend |
| 402.Appendix A | New |

- 4) Statutory Authority: The Child Care Act of 1969 [225 ILCS 10]

- 5) A. Complete Description of the Subjects and Issues Involved: The Department intends to end the approval process for relative family homes effective July 1, 1995. Relatives may apply to be licensed as a foster family home under Part 402 or may choose to serve as a relative caregiver in accordance with the requirements of Section 301.80, Relative Home Placement (89 Ill. Adm. Code 301, Placement and Visitation Services).

The Department reviewed the current licensing standards for foster family homes and the recommendations of the Licensing Reform Panel created under the auspices of the B.H. Consent Decree. The Department determined that some licensing requirements may exclude otherwise qualified applicants from seeking licensure because of the expenses associated with compliance. These amendments reflect many of the recommendations of the Licensing Reform Panel and intend to modify those standards that may unnecessarily screen out licensed applicants for reasons unrelated to the safety and welfare of children place in the home.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? Yes
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this part? No

- 10) State of Statewide Policy Objectives: These rules do not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30

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ILCS 805/3(b)].

- 11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street, Station # 222
Springfield, Illinois 62701-1498

Telephone: (217) 524-1983
TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. Public hearings have been scheduled on these proposed amendments as follows:

April 11, 1995

7:00 p.m.

Quality Inn at Halsted
One South Halsted
Chicago, Illinois
(312) 829-5000

April 13, 1995

7:00 p.m.

State House
Room 212
Springfield, Illinois
(217) 782-2099

Persons are asked to limit their testimony to a maximum of 15 minutes per person. We will gladly accept written testimony at the public hearings. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that these proposed amendments do not have an affect on small businesses.

- 13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: This rulemaking was included

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in the Regulatory Agenda published in the January 13, 1995 Illinois Register.

The full text of the proposed amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 402
LICENSING STANDARDS FOR FOSTER FAMILY HOMES

Section

- 402.1 Purpose
- 402.2 Definitions
- 402.3 Effective Date of Standards
- 402.4 Application for License
- 402.5 Application for Renewal of License
- 402.6 Provisions Pertaining to the License Permits
- 402.7 Provisions Pertaining to Permits the License
- 402.8 General Requirements for the Foster Home
- 402.9 Requirements for Sleeping Arrangements
- 402.10 Nutrition and Meals
- 402.11 Business and Employment of Foster Parents
- 402.12 Qualifications of Foster Parents
- 402.13 Background Inquiry
- 402.14 Health of Foster Family
- 402.15 Number and Ages of Children Served
- 402.16 Meeting Basic Needs of Children
- 402.17 Health Care of Children
- 402.18 Religion
- 402.19 Recreation and Leisure Time
- 402.20 Education
- 402.21 Discipline of Children
- 402.22 Emergency Care of Children
- 402.23 Release of Children
- 402.24 Confidentiality of Information
- 402.25 Required Written Consents
- 402.26 Records to be Maintained
- 402.27 Licensing Supervision
- 402.28 Adoptive Homes
- 402.29 Severability of This Part

APPENDIX A Criminal Convictions Which Prevent Licensure

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 9548, effective October 1, 1981; emergency amendment at 6 Ill. Reg. 15580, effective December 15, 1992, for a maximum of 150 days; amended at 7 Ill. Reg. 3439, effective April 4, 1983; amended at 7 Ill. Reg. 13858, effective November 1, 1983; amended at 8 Ill. Reg. 23197, effective December 3, 1984; amended at 11 Ill. Reg. 4292, effective

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March 1, 1987; emergency amendment at 16 Ill. Reg. 11879, effective July 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 267, effective December 21, 1992; emergency amendment at 18 Ill. Reg. 8481, effective May 20, 1994, for a maximum of 150 days; emergency expired on October 17, 1994; amended at 19 Ill. Reg. 1801, effective February 1, 1995; amended at 19 Ill. Reg. , effective

Section 402.2 Definitions

"Child" means any person under 18 years of age.

"child-care-facility" means any person, group of persons, agency, association or corporation which arranges for or cares for children unrelated to the operator of the facility, apart from the parents; child-care facilities may be established for profit or not for profit.

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. [225 ILCS 10/2.05] Child care facility includes a relative who is licensed as a foster family home pursuant to Section 4 of the Child Care Act of 1969 [225 ILCS 10/4].

"Classifiable fingerprints" means fingerprints have been obtained through an electronic or ink printing process which were determined to provide sufficiently clear impressions to identify the individual from whom the prints were obtained.

"Common parentage" means having the same biological or adoptive father, the same biological or adoptive mother, or the same biological or adoptive father and mother.

"Department" means the Department of Children and Family Services.

"Foster family home" means the residence of the family which provides full-time family care and training to children unrelated to them; Foster family homes are limited to a maximum of 8 children including the foster family's children unless all of the children unrelated to the foster family are of common parentage of the Director of the Department of Children and Family Services has waived the limit of 8 unrelated children for good cause pursuant to Section 402.15 (b) and only to facilitate an adoptive placement.

"Foster family home" means a facility for child care in residences of

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families who receive no more than 8 children unrelated to them, unless all the children are of common parentage, or residences of relatives who receive related children for the purpose of providing family care and training for the children on a full-time basis, except the Director of Children and Family Services, pursuant to Department regulations, may waive the limit of 8 children unrelated to an adoptive family for good cause to facilitate an adoptive placement. The family's own children, under 18 years of age, shall be included in determining the maximum number of children served. [225 ILCS 10/2.17]

"Full-time care" means the child is a resident of the household, whether on a temporary, emergency, or permanent basis, and is receiving family care usually provided by a parent or guardian.

"LEADS" means the Law Enforcement Agency Data System.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act.

"Licensee" means those individuals, agencies, or organizations who hold a license or permit issued by the Department of Children and Family Services.

"Licensing applicant" means those individuals, agencies, or organizations who applied for a license from the Department of Children and Family Services.

"Licensing representative" means those Department staff or other persons authorized under the Child Care Act to examine facilities for licensure.

"Minor traffic violation", as used in this Part, means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority which resulted in a fine of \$100.00 or less without other penalty such as license suspension or revocation, probation, jail sentence or community service work.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a two month period to allow the individual(s) to become eligible for a license.

"Relative" means a person 21 years of age or over, other than the parent, to whom the child has any of the following currently existing relationships by blood or adoption: grandparent, sibling, great grandparent, uncle, aunt, nephew, niece, first cousin, great uncle,

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great aunt, or who is the spouse of such a relative or who is the child's step-father, step-mother, step-brother or step-sister.

"Supervising agency", for the purpose of this part, means a licensed child welfare agency, a license-exempt agency, or the Department of Children and Family Services.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 402.3 Effective Date of Standards

The standards prescribed in this part shall become effective upon the date they are officially adopted and published and shall apply immediately to all facilities foster family homes. ~~which are not currently licensed. Foster family homes licensed at the time this rule is officially adopted and published shall have 6 months from that date to comply with the new or revised standards.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 402.4 Application for License

- a) Application for license as a foster family home shall be completed, signed by the foster parent applicant(s), and filed with the Department of Children and Family Services by the supervising agency on forms prescribed by the Department. Any relative who receives a child or children for placement on a full-time basis may apply for a license to operate a foster family home as defined in Section 2.17 of the Child Care Act of 1969 [225 ILCS 10/2.17].
- b) As part of the application process, each foster family home applicant and adult member of the household shall authorize fingerprinting in accordance with Part 89 Ill. Adm. Code 380, Background Check of Foster Family Home Applicants, to determine if the applicant individual has ever been charged with a crime, and if so, the disposition of the charges. In addition, each foster family home applicant and member of the household 13 years of age or older shall authorize a check of the Child Abuse Neglect Tracking System to determine if the individual has been indicated as the perpetrator of child abuse or neglect.
- c) The supervising agency shall study each foster home under its supervision before recommending issuance of a license. The licensing study shall be conducted by a qualified licensing representative and shall be reviewed and approved by ~~his~~ the assigned supervisor. Supervisory approval indicates recommendation for license or denial of a license and compliance or non-compliance with the standards. The study shall be in writing and shall be signed by the licensing representative performing the study and by ~~his~~ the assigned supervisor.

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- d) A new application shall be filed when any of the following occurs:
- 1) when an application for license has been withdrawn, and the licensee or agency seeks to reapply; or
 - 2) when there is a change in the name of the licensee, the **address** location of the foster home, the supervising agency, or the area in the home used to children; or
 - 3) when there is a change in the status of joint licensees, such as separation, divorce, or death; or
 - 4) when the Department has revoked or refused to renew a license, and a new license is sought.
- e) A new application may be submitted at any time except that when a license has been revoked or the Department has refused to renew a license, the licensee may not reapply for license as a foster family home for a period of one year after revocation or refusal to renew.
- (Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 402-7402.6 Provisions Pertaining to Permits

- a) A two month permit may be issued only with the personal written approval of the Director of the Department when:
- 1) The application for license has been completed and signed by the foster parent applicant(s) and submitted to the Department;
 - 2) The required background check forms have been completed in accordance with 89 Ill. Adm. Code 380, Background Check of Foster Family Home Applicants, classifiable fingerprints, as defined in this Part, have been obtained, and a LEADS check has been completed which finds no history of criminal activities for the foster home applicants;
 - 3) A complete licensing study has been conducted by the licensing representative and it has been determined that the family is in reasonable compliance with all applicable standards except for receipt, review, and disposition of the criminal background check required by 89 Ill. Adm. Code 380, Background Check of Foster Family Home Applicants;
 - 4) furnishing, equipment and space sufficient for the children have been acquired; and
 - 5) the applicants have signed:
 - A) affidavits indicating that they have not been convicted or charged with a crime other than a minor traffic violation;
 - B) acknowledgments that, by virtue of being a foster parent, they are mandated to report suspected child abuse or neglect;
 - C) acknowledgments that the permit is time limited and issuance of a license is contingent upon the results of the criminal background check;
 - D) acknowledgments that the permit may be cancelled and the

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- Department will refuse to issue a license if the results of the criminal background check are unfavorable; and
- E) acknowledgments that any children placed in their care will be removed without prior notice if information provided during the application process has been falsified or the applicants have a prior criminal history, other than for a minor traffic violation.
- b) A permit shall not be issued retroactively.
 - c) Permits shall not be transferred to another person, organization or supervising agency.
 - d) Permits shall not be valid for a name or address different from the name and address shown on the issued permit.
 - e) Permits shall not be renewable.
 - f) A current permit shall be available in the foster home at all times.
 - g) A license shall be issued at any time within the two month period covered by the permit provided that the foster family home achieves compliance with the Department's licensing standards.
 - h) The foster family shall adhere to the provisions or restrictions specified on the permit.
 - i) There shall be no fee or charge for the permit.

(Source: Renumbered from Section 402.7 to Section 402.6 at 19 Ill. Reg. _____, effective _____)

Section 402-6402.7 Provisions Pertaining to the License

- a) A foster family home license is valid for **2** four years unless revoked by the Department or voluntarily given up by the licensee.
- b) The number of children cared for in the foster family home shall not exceed the license capacity and must conform with the requirements for the number and ages of children who may reside in a foster family home.
- c) The foster parents' biological and adopted children under 18 years of age shall be counted when determining license capacity.
- d) The license shall not be transferred to another person.
- e) The license shall not be valid for a name or **an address** location other than the name and **address** location on the license.
- f) A current license shall be available in the foster home at all times.
- g) There shall be no fee or charge for the license.
- h) The foster family shall adhere to the provisions or restrictions specified on the license in accordance with these rules.

(Source: Renumbered from Section 402.6 to Section 402.7 and amended at 19 Ill. Reg. _____, effective _____)

Section 402.8 General Requirements for the Foster Home

- a) The foster home shall be clean, well ventilated, free from observable

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- hazards, properly lighted and heated, and free of fire hazards.
- b) The water supply of the foster family home shall comply with the requirements of the local and state health departments. If well water is used, a copy of the Inspection Report and Compliance with Regulations shall be on file with the supervising agency.
- c) Portable space heaters may be used as a supplementary source of heat if they meet safety approval standards (Underwriters Laboratories) and are used in accordance with local and State building and fire codes. Portable space heaters may not be used in rooms where children are sleeping. Portable and fixed space heaters in areas occupied by children shall be separated by fire resistant partitions or barriers to prevent contact with the heater.
- d) Prescription and nonprescription drugs, dangerous household supplies, dangerous tools, weapons, guns, and ammunition shall be kept in a safe place. Loaded guns shall not be kept in a foster home unless required by law enforcement officers and in accordance with their law enforcement agency's safety procedures.
- e) The foster home shall comply with all requirements of the state laws and municipal codes for household pets. Certificates of inoculation for rabies shall be available for inspection.
- f) ~~the foster home shall have an operating telephone on the premises unless the supervising agency has approved a written plan detailing the immediate and unrestricted access to such an instrument. The foster home shall have access to a telephone in case of an emergency.~~
- In cases where the children in care require special services or frequent medical attention, the foster family shall have immediate access to a telephone.
- g) The foster home shall have fire and emergency evacuation plans which are to be discussed and routinely rehearsed with the children.
- h) Adequate closet and dresser space comparable to that provided to the other children of the household shall be provided for each foster child to accommodate personal belongings.
- i) Foster parents shall respect children's rights to privacy while sleeping, toileting and dressing.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 402.9 Requirements for Sleeping Arrangements

- a) Each foster child shall be provided his own separate bed or crib, except that two children up to age 10 of the same sex with no more than two years difference in their ages may share a double-sized (or larger) bed.
- b) Child(ren) who have been victims of sexual abuse or who are sexually aggressive shall not share a bedroom with another child or adult unless sharing a bedroom has been approved in writing by the supervising agency. Such approvals shall contain the name(s) and

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- birth date(s) of the child(ren) for whom the approval was issued. The approval shall be reviewed and reapproved annually and whenever there is any change in the behaviors of the child(ren).
- b) ~~Children under six years of age may share a room with children of the opposite sex provided sharing the room is approved by the supervising agency. The additional child(ren) is/are related to as defined in Section 2-04 of the Child Care Act; the oldest child is no older than 10 years of age and each child is provided with his/her own separate crib or bed.~~
- c) Child(ren) under six years of age may share a bedroom with related child(ren) of the opposite sex who are also under age six if each child is provided with a separate bed or crib.
- d) A foster child shall not share the bedroom with an adult except under emergency conditions for a brief period of time, or when a child under six years of age is ill or needs frequent attention or as allowed in Section 402.9(e) through (h) below.
- e) When adulthood (age 18) is reached by a foster, biological or adopted child for whom sharing the bedroom with a foster child under eighteen years of age has been determined appropriate by the supervising agency to be in the best interests of the foster child, the supervising agency shall approve such arrangements in accordance with the provisions of this Section.
- f) Female foster children under six years of age may share a bedroom with one related female adult or a related married couple if provided with their own beds or cribs.
- g) Male foster children under six years of age may share a bedroom with a related adult (male or female) or related married couple if provided with their own beds or cribs.
- h) Foster children over six years of age may share a bedroom with one related adult of the same sex if provided with their own beds or cribs.
- d) There shall be a minimum of 40 square feet, excluding the closet and wardrobe area, for the first child occupying a bedroom and a minimum of 35 square feet for each additional child sharing the room bedroom. However, the supervising agency may approve a smaller bedroom size on an individual case basis when such approval is in the best interests of the children. Such approvals shall be in writing and shall contain the names and birth dates of the children for whom the approval was issued. These approvals shall be reviewed at each license renewal.
- e) The room bedroom shall be exposed to an outside window or shall have auxiliary means of ventilation.
- f) The springs and mattresses on each bed requiring such shall be level, clean, unsoiled with no rips, tears or sags in the mattress or mattress cover, and not infested with insects. The bedding shall be suitable for the season.
- g) Linens shall be changed at least weekly for all children and as frequently as needed for children not toilet trained and for those who are enuretic.

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b7m) Waterproof mattress covers shall be provided for all beds or cribs for enuretic children.
 b7n) Sleeping rooms shall be comfortable and shall be furnished suitably for the age and sex of the child.

- 1) Basements and attics may be used for sleeping for children who are mobile, capable of self preservation, and able to understand and follow directions with minimal assistance in an emergency.
- 2) Children for whom basement or attic sleeping arrangements may be provided shall be individually evaluated and approved by the supervising agency in accordance with the above cited requirements.
- 3) To be used for sleeping, basements and attics shall have two exits with one exit leading directly to the outside with means to safely reach the ground level. The second exit may be an easily accessible outside window which provides an unobstructed opening, operable from the inside without the use of tools, and large enough to accommodate an adult. The sleeping area shall be separated from the furnace and utility areas.
- 4) No basement or attic shall be used for sleeping without the approval of the supervising agency after consultation with the appropriate safety authority(ies).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 402.12 Qualifications of Foster Parents

- a) The licensee(s) shall be either a single foster parent or a man and woman married to each other. A married foster parent who has been physically separated from his or her spouse for a period of at least one year may be considered a single person at the discretion of the supervising agency. Each foster parent shall be willing and able to assume appropriate responsibilities for the child or children received for care.
- b) Foster parents shall be stable, law abiding, responsible, mature individuals, at least 21 years of age, who shall have passed the background check required for foster parents and adult members of the household, as required in Part 380, Background Check of Foster Family Homes Applicants and shall be able to accept agency supervision.
- c) Foster parents shall adequately supervise children in their care to assure compliance with laws including, but not limited to, criminal laws.
- d) Foster home applicants shall provide the names and addresses of at least three unrelated references who can attest to the applicant's moral character.
- e) Unless parental rights have been terminated, foster parents shall respect and support a child's ties to his or her biological family and

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shall cooperate with the supervising agency and the service plan for the child and his/her family.
 f) The foster family shall have sufficient financial resources to provide basic necessities for themselves and their own children and the foster child(ren).

- g) Foster parents shall complete, as a condition of initial licensure, at least six clock hours of training on content approved by the Department. Relative caregivers who had been approved under 89 Ill. Adm. Code 335, Relative Home Placement, prior to July 1, 1995, and who are in compliance with all other licensing requirements shall be granted a conditional foster home license pending completion of this training. Relatives who receive conditional licensure under this subsection shall be given 90 days from the effective date of these amendments to complete the required training.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 402.13 Background Inquiry

- a) As a condition of issuance or renewal of a license by the Department, foster parents shall furnish information of any offenses (other than minor traffic violations) for which they have been charged. The Department shall make a determination concerning their suitability in working with the child in accordance with this part and Part 89 Ill. Adm. Code 380, Background Check of Foster Family Home Applicants.
- b) Persons who have been convicted of an offense shall not be automatically rejected as foster parents. However, the Department shall consider the following:
 - 1) the type of crime for which the individual was convicted;
 - 2) the number of crimes for which the individual was convicted;
 - 3) the nature of the offense(s);
 - 4) the age of the individual at the time of conviction;
 - 5) the length of time that has elapsed since the last conviction;
 - 6) the relationship of the crime and the capacity to care for children;
 - 7) evidence of rehabilitation; and
 - 8) opinions of community members concerning the individual in question.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 402.15 Number and Ages of Children Served

- a) The maximum number of children permitted in foster family home is 8, unless all of the foster children are of common parentage, as defined in Section 402.2, or a waiver has been granted in accordance with

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subsection (b)(c) below. This maximum number includes the foster parents' own children and all other children under the age of 18, cared for on a full-time basis.

b) When determining how many children the foster family home shall serve, children who have special needs due to physical, mental, or emotional disabilities shall be considered at the level at which they function.

b7) The Director of the Department of Children and Family Services shall waive in writing the maximum number of 8 children to effect an adoptive placement provided the following criteria are met:

1) a licensed child welfare agency or the Department proposes to place an additional child or children in the home for the purpose of adoption;

2) the child welfare agency or the Department has documented in the child's case record that this home is the most appropriate choice consistent with the best interest of the child or children;

3) the foster family is otherwise in compliance with the licensing requirements of this Part, and could meet standards for the additional child or children; and

4) the foster family has requested in writing that the Director waive the limit of 8 children under the age of 18 so that an additional child or children may be placed in their home for purposes of adoption;

c) The Director of the Department of Children and Family Services shall waive in writing the maximum number of 8 children to effect an adoptive placement provided the following criteria are met:

1) a licensed child welfare agency or the Department proposes to place an additional child or children, in the home, for the purpose of adoption;

2) the child welfare agency or the Department has documented in the child's case record that this home is the most appropriate choice consistent with the best interest of the child or children;

3) the foster family is otherwise in compliance with the licensing requirements of this Part, and could meet standards for the additional child or children; and

4) the foster family has requested, in writing, that the Director waive the limit of 8 children under the age of 18 so that an additional child or children may be placed in their home for purposes of adoption.

c7) No more than 4 children under the age of 6, including the foster parent's own children, shall receive full-time care at any one time. No more than 2 children, including the family's own children, shall be under the age of 6, unless the foster parent(s) is aided by a child care assistant at least 16 years of age other than a foster child, the Director of the Department of Children and Family Services may waive the age requirements in this subsection if necessary to place a child in an adoptive home provided the criteria in subsections (b)(1) through (4) are met.

d) Independent foster homes receive children by independent arrangement.

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these homes are not subject to direct and regular supervision by a child welfare agency; these homes shall not be licensed for more than a maximum of 4 children unless all of the unrelated children are of common parentage; No more than 2 of these children, including the family's own children, shall be under the age of 2 unless of common parentage.

d) No more than 4 children under the age of 6, including the foster parent(s) own children, shall receive full-time care at any one time. No more than 2 children, including the family's own children, shall be under the age of 2, unless the foster parent(s) is aided by a child care assistant at least 16 years of age other than a foster child. The supervising agency may place children whose ages do not comply with this subsection in a foster family home when all of the foster children are of common parentage and the supervising agency's approval of the placement is documented in writing. Such approval shall include the name(s), birth date(s), and the common parent(s) of the foster child(ren).

e) The Director of the Department of Children and Family Services may waive in writing the age requirements in subsection (d), if necessary, to place a child in an adoptive home provided the criteria in subsections (c)(1) through (4) are met and there are a sufficient number of suitable adult caregivers or child care assistants to insure that the children receive proper care and supervision.

f) A foster child who is the parent of another child placed in the same foster home may serve as a child care assistant in relation to the care of his or her own child. Child care assistants shall meet health requirements as specified in Section 402.14.

g) Independent foster homes receive children by independent arrangement. These homes are not subject to direct and regular supervision by a child welfare agency. These homes shall not be licensed for more than a maximum of 4 children unless all of the unrelated children are of common parentage. No more than 2 of these children, including the family's own children, shall be under the age of 2 unless of common parentage.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

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Section 402.APPENDIX A Criminal Convictions Which Prevent Licensure

If the foster parent applicant(s) or any adult member of the household has been convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5] or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below, this conviction will serve as a bar to receiving a foster home license or permit.

OFFENSES DIRECTED AGAINST THE PERSON

HOMICIDE

Murder
Solicitation of murder
Solicitation of murder for hire
Intentional homicide of an unborn child
Voluntary manslaughter of an unborn child
Involuntary manslaughter
Reckless homicide
Concealment of a homicidal death
Involuntary manslaughter of an unborn child
Reckless homicide of an unborn child

KIDNAPPING AND RELATED OFFENSES

Drug induced kidnapping
Kidnapping
Aggravated kidnapping
Unlawful restraint
Aggravated unlawful restraint
Forcible detention
Child abduction
Aiding and abetting child abduction

SEX OFFENSES

Indecent solicitation of a child
Sexual exploitation of a child
Sexual relations within families
Prostitution
Soliciting for a prostitute
Soliciting for a juvenile prostitute
Pandering
Felony keeping a place of prostitution
Patronizing a juvenile prostitute
Felony pimping

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Juvenile pimping
Exploitation of a child
Felony obscenity
Child pornography
Felony harmful material

BODILY HARM

Felony aggravated assault
Vehicular endangerment
Felony domestic battery
Aggravated battery
Heinous battery
Aggravated battery with a firearm
Aggravated battery of a child or institutionalized mentally retarded person
Aggravated battery of an unborn child
Tampering with food, drugs, or cosmetics
Aggravated battery of a senior citizen
Drug induced infliction of great bodily harm
Intimidation
Compelling organization membership of persons
Hate crime
Stalking
Aggravated stalking
Threatening public officials
Home invasion
Vehicular invasion
Criminal sexual assault
Aggravated sexual assault
Felony criminal sexual abuse
Aggravated sexual abuse
Criminal transmission of HIV
Abuse and gross neglect of a long term care facility resident
Criminal neglect of an elderly or disabled person
Child abandonment
Endangering the life or health of a child
Felony violation of an order of protection
Ritual mutilation
Ritualized abuse of a child

OFFENSES DIRECTED AGAINST PROPERTY

Felony theft
Robbery
Aggravated robbery
Aggravated vehicular hijacking
Burglary

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Possession of burglary tools
Residential burglary
Criminal fortification of a residence or building
Arson
Aggravated arson

OFFENSES AFFECTING PUBLIC HEALTH, SAFETY AND DECENCY

Felony unlawful use of weapons
Aggravated discharge of a firearm
Reckless discharge of a firearm
Unlawful use of metal piercing bullets
Unlawful sale or delivery of firearms on the premises of any school
Disarming a police officer
Obstructing justice
Concealing or aiding a fugitive
Armed violence
Felony contributing to the criminal delinquency of a juvenile

DRUG OFFENSES

Possession of more than thirty grams of cannabis
Manufacture of more than 10 grams of cannabis
Cannabis trafficking
Delivery of cannabis on school grounds
Unauthorized production of more than five cannabis sativa plants
Calculated criminal cannabis conspiracy
Unauthorized manufacture or delivery of controlled substances
Controlled substance trafficking
Manufacture, distribution, advertisement of look-alike substances
Calculated criminal drug conspiracy
Permitting unlawful use of a building
Delivery of controlled, counterfeit or look-alike substances to persons under age 18, or at truck stops, rest stops, safety rest areas, or on school property
Using, engaging, or employing persons under 18 to deliver controlled, counterfeit or look-alike substances
Delivery of controlled substances
Sale or delivery of drug paraphernalia
Felony possession, sale or exchange of instruments adapted for use of controlled substance or cannabis by subcutaneous injection

(Source: Added at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Relative Home Placement
 2) Code Citation: 89 Ill. Adm. Code 335
 3) Section Numbers: Proposed Action:

335.100 Repeal
 335.102 Repeal
 335.200 Repeal
 335.202 Repeal
 335.204 Repeal
 335.206 Repeal
 335.300 Repeal
 335.302 Repeal
 335.304 Repeal
 335.306 Repeal
 335.310 Repeal
 335.312 Repeal
 335.314 Repeal
 335.316 Repeal
 335.318 Repeal
 335.320 Repeal
 335.322 Repeal
 335.324 Repeal
 335.326 Repeal
 335.328 Repeal
 335.330 Repeal
 335.332 Repeal
 335.334 Repeal
 335.336 Repeal
 335.338 Repeal
 335.340 Repeal

4) Statutory Authority: Section 5 of the Children and Family Services Act
[20 ILCS 505/5]

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing a change in the legal definition of neglected child so that children who are receiving adequate care and supervision from a related adult are no longer considered neglected for the sole reason that such care was provided by a parent other than the child's parent. The Department has concluded that this study and the approval process is not the appropriate response to a family of relative care.

Effective July 1, 1995, the Department is discontinuing its process of approving relative homes using standards comparable to the licensing standards for foster homes. The Department has initiated legislation and proposed changes to 89 Ill. Adm. Code 402, Licensing Standards for

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Family Homes, which will allow relative families to be licensed under the Child Care Act of 1969 and to receive the foster care rate for related children who have been placed with them by the Department of Children and Family Services. Relatives who do not seek to become licensed foster family homes may continue to provide care to related children, but will receive the AFDC rate for these children plus special add-on payments to assist with the extra costs associated with providing care to a foster child, thus bringing the amount received by the foster parent up to the child only standard of need established for that number of children by the Illinois Department of Public Aid.

The Department will continue with its requirement that relatives who provide care to children for whom the Department is legally responsible must meet certain placement pre-conditions with regard to the safety of the home and the adequacy of the related caregivers. These requirements are being transferred to 89 Ill. Adm. Code 301, Foster Care Placement Goal, which is being retitled Placement and Visitation Services.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this part? Yes

| Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|------------------------------|
| 335.204 | Amend | 18 Ill. Reg. 16892, 11/28/94 |
| 335.206 | Amend | 18 Ill. Reg. 16892, 11/28/94 |
| 335.208 | Repeal | 18 Ill. Reg. 16892, 11/28/94 |
| 335.300 | Amend | 18 Ill. Reg. 16892, 11/28/94 |
| Appendix A | New | 18 Ill. Reg. 16892, 11/28/94 |

10) State of Statewide Policy Objectives: These rules do not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services

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406 East Monroe Street, Station # 222
Springfield, Illinois 62701-1498

Telephone: (217) 524-1983
TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed repealer submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. Public hearings have been scheduled on these proposed amendments as follows:

April 11, 1995
7:00 p.m.
Quality Inn at Halsted
One South Halsted
Chicago, Illinois
(312) 829-5000

April 13, 1995
7:00 p.m.
State House
Room 212
Springfield, Illinois
(217) 782-2099

Persons are asked to limit their testimony to a maximum of 15 minutes per person. We will gladly accept written testimony at the public hearings. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

12) Initial Regulatory Flexibility Analysis: These amendments do not affect small businesses.

13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: The need for this rulemaking was not foreseen at the time the Department filed its regulatory agendas. A major management initiative affecting home of relative care has prompted the Department to file these amendments at the present time in order to implement them at the start of the next fiscal year.

The full text of the proposed amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 335

RELATIVE HOME PLACEMENT (REPEALED)

SUBPART A: GENERAL PROVISIONS

Section
 335.100
 335.102

Purpose
 Definitions

SUBPART B: PLACEMENT

Section
 335.200
 335.202
 335.208

Placement Pre-Conditions
 Continuation of Placement
 Payment Provisions

SUBPART C: APPROVAL STANDARDS FOR RELATIVE FAMILY HOMES

Section
 335.300
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Provisions Pertaining To Approval
 Safety Requirements for the Relative Family Home
 Requirements For Sleeping Arrangements
 Nutrition and Meals
 Business and Employment of Relative Foster Parents (Repealed)
 Qualifications of Related Caretakers
 Background Inquiry
 Health of Relative Family
 Number of Children Served
 Meeting Basic Needs of Related Children
 Health Care of Related Children
 Religion
 Education
 Discipline of Related Children
 Emergency Care of Related Children
 Release of Children
 Confidentiality of Information
 Required Written Consents
 Records To Be Maintained
 Cooperation with the Supervising Agency and the Department
 Severability of This Part

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5005) [20 ILCS 505/5].

SOURCE: Adopted at 10 Ill. Reg. 4513, effective April 1, 1986; amended at 16

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Ill. Reg. 7633, effective April 30, 1992; amended at 17 Ill. Reg. 13420, effective July 31, 1993; amended at 18 Ill. Reg. 7744, effective September 1, 1994; emergency amendment at 18 Ill. Reg. 14436, effective August 31, 1994, for a maximum of 150 days; emergency expired January 30, 1995; repealed at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 335.100 Purpose

The purpose of this Part is to specify that related caregivers of children for whom the Department of Children and Family Services is legally responsible must meet the standards prescribed by this Part, which are prescribed to ensure the safety, health, and welfare of related children.

Section 335.102 Definitions

"Approval" or "Approved" means that a relative family home wherein the caregiver is related to the child(ren) in care has met the standards prescribed by this Part. A relative home is approved on the effective date entered on the approval recommendation. Such standards are substantially the same with regard to the safety, health and welfare of children as those promulgated for licensure of unrelated foster family homes pursuant to the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2211 et seq.) [225 ILCS 10] and codified at 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes.

"Biological or putative father" means a man who has acknowledged his paternity via a notarized written statement or whose paternity is adjudicated in court. When paternity has been acknowledged or adjudicated, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or whose parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department in accordance with 89 Ill. Adm. Code 302, Services Delivered by the Department.

"Department" means the Department of Children and Family Services.

"Director" means the Director of the Department of Children and Family Services.

"Placing agency", as used in this Part, means a child welfare agency licensed in accordance with 89 Ill. Adm. Code 401, Licensing Standards For Child Welfare Agencies, a license-exempt agency in accordance with

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89 Ill. Adm. Code 382, Agencies Exempt From Licensing, or the Department of Children and Family Services, which places children in a relative family home.

"Related or Relative Caregiver" means a person who provides care for a child or children for whom the Department is legally responsible by reason of temporary protective custody, court ordered custody or guardianship, or an adoptive surrender or voluntary placement agreement signed by the parent(s) and to whom the child or children or members of a sibling group have any of the following currently existing relationships by blood, marriage, or adoption: grandfather, grandmother, great-grandfather, great-grandmother, step-grandfather, step-grandmother, great-uncle, great-aunt, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, nephew, niece or first cousin.

"Relative family home" or "home" means the home of a related caregiver approved in accordance with the standards prescribed by this Part.

"Specified relative" means any of those relatives who have first preference and consideration in the placement of related children in the home. Specified relatives include the following currently existing relationships by blood or adoption: grandfather, grandmother, great-grandfather, great-grandmother, great-uncle, great-aunt, brother, sister, uncle, aunt, nephew, niece, or first cousin.

"Supervising Agency" as used in this Part, means a licensed child welfare agency, a license-exempt agency, or the Department of Children and Family Services, which has responsibility for the day-to-day supervision, approval and monitoring of a relative family home.

SUBPART B: PLACEMENT

Section 335.200 Identification and Selection of Relative Placements

Department and private agency staff shall make reasonable attempts to locate relatives who may be willing to serve as a placement to children related to them. The Department or private agency shall identify relatives of the children, contact the relatives, and assess their suitability to serve as relative caregivers for the children. When children must be placed in care apart from their parents, specified relatives as defined in Section 335.102, shall have preference and first consideration over more distant relatives and over non-relatives. Department or private agency staff shall refer relatives for approval when their home meets the placement preconditions in Section 335.202, when the relative caregivers will not pose an obstacle to permanency for the children, and when the placement is consistent with the best interests and special needs of the children in accordance with the criteria of 89 Ill.

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Adm. Code 302.390(e), Placement Selection Criteria.

Section 335.202 Placement Pre-conditions

- a) Effective with the adoption of these rules, no child for whom the Department is legally responsible shall be placed with a relative unless the pre-conditions specified in this Section have been met. When a child is already in the care of a relative when the Department assumes legal responsibility, the pre-conditions of this Section shall be met within forty-eight (48) hours of the Department's assuming legal responsibility for the child.
- b) Staff of the placing agency shall meet with the proposed related caregiver and ascertain that the relative, in accordance with the Department's rules at 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect), 302 (Services Delivered by the Department), 305 (Client Service Planning), 307 (Indian Child Welfare Services), and 327 (Permanency Advocacy Services):
 - 1) is capable of protecting the child(ren) from further harm by the parent(s) or others whose action or inaction allegedly threatened the child(ren)'s safety or well-being as determined by a child abuse or neglect investigation pursuant to the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2051 et seq.) [325 ILCS 5];
 - 2) agrees not to release the child to anyone, including parent(s) or other relative(s), unless previously authorized by the Department;
 - 3) agrees not to allow the child's parents to reside in the relative's home unless previously authorized in writing by the Department;
 - 4) agrees not to move the child to another home or give the child to another caregiver unless previously authorized in writing by the Department;
 - 5) agrees not to arrange for medical, psychological, or psychiatric testing or treatment unless previously authorized in writing by the Department;
 - 6) agrees not to take the child out of state unless previously authorized in writing by the Department;
 - 7) agrees to abide by any conditions or limitations on the parent-child visitation plan which have been imposed by the court or are contained in the client service plan; and
 - 8) is willing to cooperate with the agency, the child(ren)'s parent(s) and other resource persons to help develop and achieve the permanency goal recorded in the child(ren)'s service plan.
- c) Prior to placement with a related caregiver (or within 48 hours of the Department's assuming legal responsibility for a child already in the care of a related caregiver), staff of the placing agency shall visit the home of the proposed caregiver and shall determine whether the following standards are met:

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- 1) background checks as required by 89 Ill. Adm. Code 385 (Background Checks) have been completed on all adult members of the household and communicated to the supervising agency prior to the placement;
- 2) the home is free from observable hazards;
- 3) prescription and non-prescription drugs, dangerous household supplies, dangerous tools, weapons, guns and ammunition are stored in places inaccessible to children;
- 4) basic utilities -- water, heat, electricity -- are in operation;
- 5) sleeping arrangements are suitable to the age and sex of the child(ren);
- 6) meals can be provided daily to the related child(ren) in sufficient quantities to meet the child(ren)'s nutritional needs as required by Section 335.306;
- 7) supervision of the related child(ren) can be assured at all times including times when the related caregiver is employed or otherwise engaged in activity outside of the home;
- 8) the related caregiver can provide basic necessities, as defined by Section 335.310 (e), for themselves and their own child(ren);
- 9) the medical needs of the related child(ren) can be met;
- 10) no member of the household appears to have a communicable disease which could pose a threat to the health of the related child(ren) or an emotional or physical impairment which could affect the ability of the caregiver to provide routine daily care to the related child(ren) or to evacuate them safely in an emergency;
- 11) there is no evidence of current drug or alcohol abuse by any household member as determined by the placing agency's observations and statements provided by the related caregiver(s);
- 12) the related caregiver has the ability to contact the agency, if necessary, and the ability to be contacted;
- 13) the related caregiver has immediate access to a telephone when the related child has medical or other special needs; and
- 14) the related caregiver shall cooperate with the supervising agency's educational plan for the child.
- d) Prior to or concurrent with placement in a related caregiver's home, staff of the placing agency shall document, on the form prescribed by the Department, that the pre-conditions prescribed by this Section have been met.
- e) Children for whom the Department is legally responsible who are in the care of related caregivers approved in accordance with this Part shall receive the same care and services as children in the care of unrelated caregivers unless otherwise required by this Part.

Section 335.204 Continuation of Placement

- a) Related caregivers shall meet the standards prescribed in Subpart C of this Part within 90 days of the initial placement.
- b) Placement staff of the supervising agency shall assure that no child

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for whom the Department is legally responsible remains in the care of a related caregiver in excess of 90 days unless:

- 1) the related caregiver has been approved as meeting standards prescribed by Subpart C of this Part; or
- 2) the related caregiver is awaiting the results of a medical examination completed within 90 days of the child's initial placement; or
- 3) a waiver as specified in subsection (c) below has been requested and granted.
- c) The Director of the Department or designee shall waive specific Approval Standards For Relative Family Homes except for those requirements in Sections 335.302, 335.310 (a) and (b), and 335.312 where a waiver of the particular standard(s) would endanger the health, safety or welfare of the child(ren) involved, or where the waiver would result in a placement for which the federal government refuses to provide funding to the Department or would result in a placement that would pose an obstacle to achieving permanency for the child. Requests for waivers shall be in writing, on a form prescribed by the Department.
- d) Waivers granted in accordance with subsection (c) above shall be valid for the duration of approvals granted pursuant to Subpart C of this Part.

Section 335.206 Required Notices and Information

- a) The Department shall provide written information to relative caregivers at the time children are placed in their home and to relatives who are being assessed as a placement resource. The information shall explain the difference between private and public guardianship and shall advise the relatives that they have 90 days from the date of placement to come into compliance with the approval standards for relative home caregivers or to be granted a waiver of specific approval standards.
- b) The Department shall provide a notice to specified relatives which explains that they may seek a waiver of any approval standards which they have failed to meet, except the standards in Sections 335.302, 335.310(a) and (b) and 335.312 and the Department shall grant waivers of those standards unless the granting of a waiver would:
 - 1) endanger the health, safety, or welfare of the related child; or
 - 2) result in a placement for which the federal government refuses to provide funding to the Department; or
 - 3) pose an obstacle to achieving permanency for the related child.
- c) If the Department concludes that a relative home cannot be approved, or a waiver has been requested and denied, or if, as a result of the relative's failure to complete the approval process, the Department's approval review cannot be completed within 90 days, the Department shall send a written notice to the relative caregiver, the child's parent or parents, the child (if over age 7), and the child's

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and guardian ad litem which explains that the relative caregiver's home has not met the approval standards for a relative home and that the child will be placed in another home. The notice shall meet the requirements of 89 Ill. Adm. 337, Service Appeals Process, and shall advise the relative that all appeals regarding the move of related children to another placement will be combined.

SUBPART C: APPROVAL STANDARDS FOR RELATIVE FAMILY HOMES

Section 335.300 Provisions Pertaining To Approval

- a) Approval of a relative family home shall be valid for four years unless one of the following occurs:
 - 1) The family moves to an address other than that for which approval was granted;
 - 2) The related caregiver(s) substantially violates the requirements of this Part so as to endanger the health, safety or welfare of the child(ren). Refusal to cooperate with the supervising agency is a factor taken into consideration in determining whether the violation is substantial;
 - 3) The specific related children for whom the home was approved no longer reside with the relative caregiver.
- b) The related caregiver shall notify the supervising agency within thirty (30) days of a change of address or a change in the family composition. Whenever any of the events specified in subsection (a) above occur, the home shall be submitted for re-evaluation.
- c) Ninety days prior to the expiration date of the most recent approval, the home shall be submitted for re-evaluation.
- d) The child(ren) shall remain in the home during the re-evaluation provided the requirements of Section 335.200 continue to be met.

Section 335.302 Safety Requirements for the Relative Family Home

- a) The home shall be clean, well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
- b) The water supply for the home shall comply with requirements of the local and state health departments. If well water is used, a copy of the Inspection Report and Compliance with Regulations shall be on file with the supervising agency.
- c) Portable space heaters may be used as a supplementary source of heat if they meet safety approval standards (Underwriters Laboratories) and are used in accordance with local and state building and fire codes. Portable space heaters may not be used in rooms where children are sleeping. Portable and fixed space heaters in areas occupied by children shall be separated by fire resistant partitions or barriers to prevent contact with the heater.
- d) Prescription and non-prescription drugs, dangerous household supplies, dangerous tools, weapons, guns, and ammunition shall be kept in a safe

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place. Loaded guns shall not be kept in the home unless required by law enforcement officers and maintained and stored in accordance with their safety procedures.

- e) Healthy household pets which present no danger to children are permitted. Household pets must be inoculated in accordance with local requirements. There shall be careful supervision of children who are permitted to care for and handle animals.
- f) The home shall have access to a telephone in case of an emergency. In cases where the child in care requires special services or frequent medical attention, the related family shall have immediate access to a telephone.
- g) The home shall be equipped with a minimum of one operable smoke detector on every floor level, including attic and basement.
- h) The home shall have fire and emergency evacuation plans which are to be discussed and routinely rehearsed with the child(ren).
- i) None of the standards in this Section may be waived under any circumstances.

Section 335.304 Requirements For Sleeping Arrangements

- a) Each child for whom the home is approved shall be provided his or her own bed or crib, except that two related children up to age 10 of the same sex with no more than two years difference in their ages may share a double-sized (or larger) bed.
- b) Female children under six years of age may share a sleeping room with one related female adult or a related married couple if provided with their own beds or cribs.
- c) Male children under six years of age may share a room with a related adult (male or female) or related married couple if provided with their own beds or cribs.
- d) Children over six years of age may share a sleeping room with one related adult of the same sex if provided with their own beds or cribs.
- e) Children under six years of age may share a room with related children of the opposite sex who are also under age 6 if each child is provided with a separate bed or crib.
- f) Basements and attics may be used as separate sleeping quarters for children who are mobile, capable of self-preservation, and able to understand and follow directions with minimal assistance in an emergency.
 - 1) To be used for separate sleeping quarters, basements and attics shall have two exits with one exit leading directly to the outside with means to safely reach ground level. The second exit can be an easily accessible exterior window, operable from the inside without the use of tools, and large enough to accommodate an adult.
 - 2) Children for whom basement or attic separate sleeping quarters are allowed shall be individually evaluated and approved by the

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- supervising agency in accordance with the above-cited requirements.
- g) The room shall be exposed to an outside window or shall have auxiliary means of ventilation.
 - h) The springs and mattresses on each bed requiring such shall be level. The bedding shall be suitable for the season.
 - i) Linens shall be changed at least weekly for all children and as frequently as needed for children not toilet trained, and for those who are enuretic.
 - j) Waterproof mattress covers shall be provided for all beds or cribs for enuretic children.
 - k) Any child who is ill or suspected of having a contagious disease shall be isolated from other children until a medical determination has been received that the disease is not contagious or is no longer contagious.
 - l) Sleeping room shall be comfortable and shall be furnished suitably for the age and sex of the child.
 - m) Storage space shall be provided to accommodate the personal belongings of each child.

Section 335.306 Nutrition and Meals

- a) Meals shall be provided daily to the related children in sufficient quantities to meet the children's nutritional needs.
- b) A child requiring a special diet due to medical reasons, allergic reactions, or religious beliefs shall be provided meals in accordance with the child's needs.
- c) The home shall consider the child's nutritional needs in relationship to the sex, age, religious beliefs and cultural background of the child. Otherwise, meals served to the child(ren) shall be substantially the same as those served to other family members.

Section 335.310 Qualifications of Relative Family Home

- a) The related caregivers shall be related to the child(ren) as defined by this Part, and shall be willing to assume appropriate responsibilities for the child or children for whom care is provided.
- b) Related caregivers shall be stable, law abiding, responsible, mature individuals, at least 21 years of age. All adult members of the household age 18 or over shall have authorized the background check required for foster parents in 89 Ill. Adm. Code 380, Background Check of Foster Family Home Applicants, and shall be able to accept agency supervision.
- c) Related caregivers shall provide the names and addresses of at least three unrelated references who can attest to their parenting ability and moral character or shall provide the names of school officials where their own children attended school.
- d) Unless parental rights are terminated, the related caregivers shall

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- respect and support the child(ren)'s ties to his or her biological parent(s) and shall cooperate with the supervising agency in this regard.
- e) The relative family shall demonstrate an ability to manage their financial resources (income, governmental benefits, other assets) so as to provide basic necessities (shelter, food, clothing, utilities and essential medical care) for themselves and their own child(ren).
 - f) The conduct or behavior of members of the household shall not endanger the health, safety, or welfare of the child(ren) in care.
 - g) The operation of other legal business enterprises on the premises, such as beauty shops, tailoring businesses, pet grooming, or 'cottage' industries, is permitted, but shall not interfere with the care of the child(ren) or endanger the health, safety, and welfare of the child(ren).

Section 335.312 Background Inquiry

- a) As a condition of approval by the Department, the related caregivers and each adult member of the household shall furnish information of any offenses (other than minor traffic violations) for which they have been charged. The Department shall make a determination concerning their suitability for working with the child(ren) in accordance with this Part, 89 Ill. Adm. Code 380, Background Check of Foster Home Applicants, and Sections 4.1-4.4 of the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2214.1-2214.4) [225 ILCS 10-4.1-4.4].
- b) Persons who have been convicted of an offense or who allow persons convicted of an offense to reside in their home shall not be automatically rejected as related caregivers. When a person with such a criminal history is present in the home, Department employees designated by the Director of the Department shall review the materials focusing on the relationship between the offense which was the basis for the conviction and the children's health, safety and welfare in that relative family home. The following shall be considered in addition to the criteria in Section 4.2 of the Child Care Act of 1969:
 - 1) The type of crime for which the individual was convicted;
 - 2) The number of crimes for which the individual was convicted;
 - 3) The nature of the offense(s);
 - 4) The age of the individual at the time of the conviction;
 - 5) The length of time that has elapsed since the last conviction;
 - 6) The relationship of the crime and the capacity to care for children;
 - 7) Evidence of rehabilitation; and
 - 8) Opinions of community members concerning the individual in question.
- c) If any adult member of the household has been convicted of one of the crimes identified in items (1) through (11) of Section 4.2 of the Child Care Act of 1969, any request for a waiver of this conviction

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must be submitted in writing to the Director of the Department for his or her personal approval.

Section 335.314 Health of Relative Family

- a) Medical examinations of related caregivers or other members of the household shall be required when, through personal observation of the relative family, the supervising agency has reason to believe that the related caregiver or a member of the household has a disease or physical impairment which would affect the ability to provide care for the child(ren). Medical examinations shall be at the expense of the related caretaker(s) or member of the household.
- b) If the supervising agency has a question regarding whether the mental or emotional health of the related caregiver(s) or other member of the household may endanger a child or children in care or there is a concern about a member of the household's use of drugs or alcohol, the supervising agency shall require clinical or medical evaluations and reports to assess the condition. Clinical or medical evaluations shall be at the expense of the Department of Children and Family Services.

Section 335.316 Number of Children Served

The maximum number of children for which a relative family home shall be approved for full-time care shall be eight (including the family's own children and other members of the household under 18 years of age whose parent(s) or guardian does not reside in the home) unless all of the related children for whom the home is approved are of common parentage. The maximum number of eight shall not include other children whose parent(s) or guardian is/are members of the household and assume full responsibility for their care. Nor shall the maximum of eight include children born to or adopted by the related caregivers after the home is initially approved.

Section 335.318 Meeting Basic Needs of Related Children

- a) Children in the home shall be treated equitably.
- b) Children in the home shall be protected from exploitation, neglect, and abuse. Suspected child abuse or neglect shall be reported to the supervising agency and to the Department immediately.
- c) Children under the age of 10 shall not be left in the home without supervision by a responsible person age 15 or over.
- d) When the related caregiver(s) is employed or otherwise engaged in activities inside or outside the home, age-appropriate supervision of the children shall be provided. Children shall receive responsible supervision appropriate to their needs, developmental stage, and maturity. When supervision by other than the related caregiver(s) will occur on a regular basis, the plan shall be in writing, and shall be approved by the supervising agency. The supervising agency shall

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- e) review and approve the plan only when the health, safety or welfare of the child(ren) is ensured.
- e) Each child shall be encouraged to visit his or her parent(s) and other family members in accordance with the provisions of the client service plan unless such visitation has been restricted by court order.
- f) Each child shall be given the opportunity to develop social relationships through participation in schools, and other community and group activities. Each child shall have the opportunity to invite friends to the home and to visit in the home of friends.
- g) Related caregivers shall assist the child(ren) in the proper handling of money by providing a personal allowance based upon the child(ren)'s age. Personal allowances for the child shall not be less than the amount provided by the child's parent, guardian, or legal custodian.
- h) Adolescents may be allowed to earn additional spending money.
- i) A reasonable amount of the child's spending money may be saved for future expenditures. Savings over \$100 are to be held in a separate account in the child's name.
- j) Each child shall have the opportunity to learn to assume some responsibility for himself or herself and for household duties in accordance with his or her age, health, and ability. No child shall be permitted to do tasks which are hazardous, dangerous, or risk harm to the child.
- k) Each child shall be provided with his or her own clothing for health, comfort, and physical well-being. Clothing shall be properly fitted and appropriate to the season.
- l) Related caregivers shall encourage the child(ren) to engage in appropriate indoor and outdoor recreation.
- m) Related caregivers shall cooperate with the supervising agency in providing information about related children in their care, and shall notify the supervising agency of incidents that affect the care of the child, including but not limited to death, serious illness, incarceration, or any other significant occurrence.

Section 335.320 Health Care of Related Children

- a) Each child shall have medical and dental check-ups in accordance with the Illinois Department of Public Aid's early periodic screening, diagnosis and treatment program, 89 Ill. Adm. Code 140.485, Healthy Kids Program, or upon medical or dental recommendation.
- b) In case of sickness or accident, immediate medical care shall be secured for the child in accordance with the supervising agency's directions.
- c) Related caregivers shall keep the supervising agency informed of the child(ren)'s health problems, including alcoholism and drug abuse.
- d) No prescription drugs or medicines shall be given to a related child without a physician's prescription or authorization.
- e) Related caregivers shall thoroughly acquaint anyone caring for the child(ren) in their absence with the foregoing health requirements.

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Section 335.322 Religion

- a) The religious beliefs and rights of the child(ren) shall be legally protected.
- b) Each child shall be given religious instruction in his or her own faith, or that of his or her parent(s), unless there is written consent of the parent(s) or guardian (if residual parental rights have been legally terminated) for the child to participate in religious instruction and to attend the facility of another faith. This shall include consent to baptism or confirmation.
- c) Children shall be permitted to participate in religious services either singly or in groups.

Section 335.324 Education

- a) Foster parent(s) shall encourage each child to complete high school or vocational training in accordance with his or her aptitude. Foster parent(s) shall cooperate with the supervising agency in the child(ren)'s educational plan(s).
- b) Children shall be permitted and encouraged to participate in extra-curricular activities including sports, art and music to the extent of their interests, abilities, and talents.
- c) The supervising agency shall ensure that the foster parent(s) shall maintain contact with those serving the educational needs of the child(ren) and seek their cooperation to assure that:
 - 1) Child(ren) is/are placed in appropriate grades and program; and
 - 2) There is periodic evaluation of individual children.
- d) The supervising agency shall ensure that each child is provided with the necessary school supplies, materials and equipment.

Section 335.326 Discipline of Related Children

- a) Discipline shall be appropriate to the age of the child, related to the child's act, and shall not be out of proportion to the particular inappropriate behavior. Discipline shall be handled without prolonged delay.
- b) The related caregiver(s) shall be responsible for the discipline of the child. Discipline shall never be delegated to the child's peer or peers, nor to persons who are strangers to the child.
- c) No child shall be subjected to corporal (physical) punishment, verbal abuse, threats or derogatory remarks about the child or his or her family.
- d) No child shall be deprived of a meal or part of a meal as punishment.
- e) No child shall be deprived of visits with family or other persons with whom he or she has established a parenting bond as punishment.
- f) No child shall be deprived of clothing or sleep as punishment.
- g) A child may be restricted to an unlocked bedroom for a reasonable period of time. While restricted, the child shall have full access to

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Section 335.328 Emergency Care of Related Children

- In the case of an emergency requiring the absence of the related caregiver(s) from the home for a period of 24 hours or longer, the supervising agency must be notified so that appropriate arrangements may be made for the care of the child(ren).
- Section 335.330 Release of Children**
- The related caregiver(s) shall not release a related child to anyone (including the child's own parent or parents) except as authorized by the supervising agency.
- Section 335.332 Confidentiality of Information**
- Information concerning a related child, his or her family and background shall be treated as confidential by all persons involved with the child.
- Section 335.334 Required Written Consents**
- a) The supervising agency shall ensure that written consents from legally responsible persons (parent, court, or other legal custodian or guardian) are obtained for certain acts of a child or performance of certain acts on his or her behalf as required by law, including but

- h) A child may be temporarily restrained by a person physically holding the child if the child poses a danger to him or herself or to others.
- i) The personal spending money of a child may be used as a constructive disciplinary measure to teach the child about responsibility and the consequences of his or her behavior. However, no more than 50% of the child's monthly personal spending money (as provided by parent(s), guardian or supervising agency) shall be withheld for any reason.

- 1) Withholding a child's monthly personal spending money shall occur only under the following circumstances:
 - A) For reasonable restitution for damages done by the child; or
 - B) For breaking the family's rules if the child has been given an oral warning that his or her spending money will be reduced for this infraction.
- 2) When a child's spending money has been reduced because he or she has broken a rule, the related caregiver(s) shall keep the withheld money for the child and shall not use it for any other purpose. The related caregiver(s) shall give the child opportunities to earn the money back and shall explain to the child how the spending money can be restored.
- j) Special or additional chores may be assigned as a disciplinary measure.
- k) Privileges may be temporarily removed as a disciplinary measure.

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not limited to:

- 1) health care and treatment, including medical, surgical, psychiatric, psychological, and dental;
 - 2) use of psychoactive drugs;
 - 3) religious instruction and/or church attendance in a different faith than that of the parent(s) or guardian;
 - 4) work programs, induction into the armed services, driving a car and car ownership;
 - 5) visits, trips, or excursions which include out-of-state travel;
 - 6) use of photographs for publicity or other purposes; and
 - 7) consent to marriage for a child under the age of 18.
- b) Written consents shall be dated and limited to a specific period of time.
- c) Any written or verbal consent or authorization given by persons referred or referenced in paragraph a) above or by others which conflict with any of the requirements of this Part is not valid.

Section 335.336 Records To Be Maintained

- a) Records to be maintained by the relative family shall include:
- 1) the name and date of birth of the child, the legal guardian of the child, religion of the child, and arrangements for education of the child;
 - 2) a record of immunizations the child has received; any physical problems, limitations, or allergies the child has; any current recommendations for special medical care;
 - 3) the name, address, and telephone number of the child's physician, guardian, and supervising agency;
 - 4) the names, addresses, and telephone numbers of persons to contact in case of emergency; and
 - 5) the name(s) of person(s) to whom the child may be released.
- b) Records maintained by the family shall be kept current and shall be open to inspection by the supervising agency. All persons who have access to the records shall respect their confidential nature.

Section 335.338 Cooperation With the Supervising Agency and the Department

Authorized representatives of the supervising agency or the Department shall be admitted to the relative family home (during reasonable hours) to determine compliance with these rules and any conditions issued pursuant to these rules accompanying approval of the home.

Section 335.340 Severability of This Part

If any court of competent jurisdiction finds that any rule, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

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- 1) Heading of the Part: Reports of Child Abuse and Neglect
- 2) Code Citation: 89 Ill. Adm. Code 300
- 3) Section Numbers: Proposed Action:

| | |
|----------------|-------|
| 300.120 | Amend |
| 300.40 | Amend |
| 300.80 | Amend |
| 300.120 | Amend |
| 300.130 | Amend |
| 300.150 | Amend |
| 300.Appendix B | Amend |
- 4) Statutory Authority: The Abused and Neglected Child Reporting Act [325 ILCS 5]
- 5) A Complete Description of the Subjects and Issues Involved: Children, who are left in the care of a relative, will not be considered neglected for that reason alone. When services would be beneficial to maintain the child with the relative caregiver, the relative caregiver and the child will be provided services.

In addition Section 300.130, Notices Whether Child Abuse or Neglect Occurred, has been revised to comply with provisions of the B.H. Consent Decree regarding notifications of child abuse and neglect reports concerning children who are in substitute care settings.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives These amendments do not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures

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Department of Children and Family Services
406 East Monroe
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. Public hearings have been scheduled on these proposed amendments in the following areas:

April 11, 1995
7:00 p.m.
Quality Inn at Halsted
One South Halsted
Chicago, Illinois
(312) 829-5000

April 13, 1995
7:00 p.m.
State House
Room 212
Springfield, Illinois
(217) 782-2099

Persons are asked to limit their testimony to a maximum of 15 minutes per person. We will gladly accept written testimony at the public hearings. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that these proposed amendments do not have an affect on small businesses.
- 13) State reason(s) for this rulemaking if it was not included in either of the two most recent regulatory agendas. The need for this rulemaking was not foreseen at the time the Department filed its regulatory agendas. A major management initiative affecting home of relative care has prompted the Department to file these amendments at the present time in order to implement them at the start of the next fiscal year.

The full text of the proposed amendment begins on the next page.

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 300

REPORTS OF CHILD ABUSE AND NEGLECT

| Section | Purpose |
|------------|--|
| 300.10 | Definitions |
| 300.20 | Reporting Child Abuse or Neglect to the Department |
| 300.30 | Content of Child Abuse or Neglect Reports |
| 300.40 | Transmittal of Child Abuse or Neglect Reports |
| 300.50 | Special Types of Reports (Recodified) |
| 300.60 | Referrals to the Local Law Enforcement Agency and State's Attorney |
| 300.70 | Delegation of the Investigation |
| 300.80 | Time Frames for the Investigation |
| 300.90 | Initial Investigation |
| 300.100 | The Formal Investigative Process |
| 300.110 | Taking Children into Temporary Protective Custody |
| 300.120 | Notices Whether Child Abuse or Neglect Occurred |
| 300.130 | Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents |
| 300.140 | Referral for Other Services |
| 300.150 | Special Types of Reports |
| 300.160 | Acknowledgement of Mandated Reporter Status |
| APPENDIX A | Child Abuse and Neglect Allegations |
| APPENDIX B | |

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/31].

SOURCE: Adopted and codified as 89 Ill. Adm. Code 302 at 5 Ill. Reg. 13189, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, and Appendix A at 11 Ill. Reg. 3492; emergency amendments at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendment at 14 Ill. Reg. 11356, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg.

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17558, effective October 15, 1990; amended at 14 Ill. Reg. 19827, effective November 28, 1990; emergency amendment at 15 Ill. Reg. 14285, effective September 25, 1991; amended at 15 Ill. Reg. 17986, effective December 1, 1991; emergency amendment at 17 Ill. Reg. 15658, effective September 10, 1993, for a maximum of 150 days; emergency expired February 7, 1994; amended at 18 Ill. Reg. 8377, effective May 31, 1994; amended at 18 Ill. Reg. 8601, effective June 1, 1994; amended at 19 Ill. Reg. 3469, effective March 15, 1995; amended at 19 Ill. Reg. _____, effective _____.

Section 300.20 Definitions

"Abused Child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

inflicts, causes to be inflicted, or allows to be inflicted upon such child physical or mental injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function; creates a substantial risk of physical or mental injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss of or impairment of any bodily function; commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include children under 18 years of age; commits or allows to be committed an act or acts of torture upon such child; or inflicts excessive corporal punishment. (111--Rev--Stat--1991 ch--237-par--2853) [325 ILCS 5/3]

"Caretaker" "Caregiver" means the child's parent(s), guardian, or custodian or relative caregiver with whom the child lives and who has primary responsibility for the care and supervision of the child.

"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services.

"Child-care facility" means any person, group, or persons, agency, association, or organization which arranges for or cares for children unrelated to the operator of the facility, apart from the parents; child-care facilities may be established for profit or not-for-profit; "Child-care facility" is further defined in Section 2-05 of the Child Care Act and includes foster family homes and day care homes.

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"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children [225 ILCS 10/2.05]. Child care facility includes a relative who is licensed as a foster family home pursuant to Section 4 of the Child Care Act of 1969 [225 ILCS 10/4].

"Child Protective Service Unit" (CPS) means certain specialized State employees of the Department assigned by the Director or his designee to perform the duties and responsibilities as provided under this Part. They are also known as investigative staff. (111--Rev--Stat--1991 ch--237-par--2853) [325 ILCS 5/3]

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department.

"Collateral contact" means obtaining information concerning a child, parent, or other person responsible for the child from a person who has knowledge of the family situation but was not directly involved in referring the child or family to the Department for services.

"Credible evidence of child abuse or neglect" means that the available facts when viewed in light of surrounding circumstances would cause a reasonable person to believe that a child was abused or neglected.

"Delegation of an investigation" means the decision whether a report of child abuse or neglect was "indicated" or "unfounded" has been deferred to another authority. The Department maintains responsibility for entering information about the report in the State Central Register and for notifying the subjects of the report and mandated reporters of the results of the investigation.

"Department," as used in this Part, means the Department of Children and Family Services.

"Determination" means a final Department decision about whether there is credible evidence that child abuse or neglect occurred. A determination must be either "indicated" or "unfounded."

"Disfigurement" means a serious or protracted blemish, scar, or deformity that spoils a person's appearance or limits bodily

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functions.

"Formal investigation" means those activities conducted by Department investigative staff necessary to make a determination as to whether a report of suspected child abuse or neglect is indicated or unfounded. Such activities shall include: an evaluation of the environment of the child named in the report and any other children in the same environment; a determination of the risk to such children if they continue to remain in the existing environments, as well as a determination of the nature, extent and cause of any condition enumerated in such report, the name, age and condition of other children in the environment; and an evaluation as to whether there would be an immediate and urgent necessity to remove the child from the environment if appropriate family preservation services were provided. After seeing to the safety of the child or children, the Department shall forthwith notify the subjects of the report in writing, of the existence of the report and their rights existing under this Act in regard to amendment or expungement. ~~§111--Rev. Stat. 1991, ch. 23, par. 2053~~ [325 ILCS 5/3]

"Indicated Report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

"Initial Investigation" means those activities conducted by Department investigative staff to determine whether a report of suspected child abuse or neglect is a good faith indication of abuse or neglect and, therefore, requires a formal investigation. Good faith in this context means that the report was made with the honest intention to identify actual child abuse or neglect.

"Initial Oral Report" means a report alleging child abuse or neglect for which the State Central Register has no prior records on the family.

"Involved Subject" means a child who is the alleged victim of child abuse or neglect or a person who is the alleged perpetrator of the child abuse or neglect.

"Local law enforcement agency" means the police of a city, town, village or other incorporated area or the sheriff of an unincorporated area or any sworn officer of the Illinois Department of State Police.

"Mandated reporters" means those individuals required to report suspected child abuse or neglect to the Department. A list of these persons and their associated responsibilities is provided in Section 300.30 of this Part.

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"Neglected child" means any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the basis of present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support, or medical or other remedial care recognized under State law as necessary for a child's well-being (including where there is harm or substantial risk of harm to the child's health or welfare), or other care necessary for a child's well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who is a newborn infant whose blood and urine contains any amount of controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a newborn infant is the result of medical treatment administered to the mother or newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time ~~as a plan of care~~. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care under Section 4 of the Abused and Neglected Child Reporting Act. Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and necessary medical care is not being provided to treat or prevent that harm or risk of harm because such parent or other person responsible for the child's welfare depends upon spiritual means alone for treatment or cure, such child is subject to the requirements of this Act for the reporting of, investigation of, and provision of protective services with respect to such child and his health needs, and in such cases spiritual means through prayer alone for the treatment or cure of disease or for remedial care will not be recognized as a substitute for such necessary medical care, if the Department or, as necessary, a juvenile court determines that medical care is necessary. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code. ~~§111--Rev. Stat. 1991, ch. 23, par. 2053~~ [325 ILCS 5/3]

"Perpetrator" means a person who, as a result of investigation, has been determined by the Department to have caused child abuse or neglect.

"Person responsible for the child's welfare" means the child's parent, relative caregiver, guardian, custodian, foster parent, an operator,

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supervisor, or employee of a public or private residential agency or institution or public or private profit or not-for-profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, and volunteers or support personnel in any setting where children may be subject to abuse or neglect. (Ill.-Rev.-Stat.-1991-Chr-237-Pat-2053) (325 ILCS 5/3)

"Relative caregiver" means a person 21 years of age or older, other than the parent, who has physical custody of the child and to whom the child has any of the following currently existing relationships by blood or adoption: grandparent, sibling, great grandparent, uncle, aunt, nephew, niece, first cousin, great uncle, great aunt, or who is the spouse of such a relative or who is the child's step-father, step-mother, step-brother or step-sister.

"Subject of a report" means any child reported to the child abuse/neglect State Central Register, and his or her parent, personal guardian or other person responsible for the child's welfare who is named in the report.

"Temporary protective custody" means custody within a hospital or other medical facility or a place previously designated by the Department, subject to review by the Court. Temporary protective custody cannot exceed 48 hours excluding Saturdays, Sundays and holidays.

"Undetermined report" means any report of child abuse or neglect made to the Department in which it was not possible to complete an investigation within 60 days on the basis of information provided to the Department.

"Unfounded report" means any report of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 300.40 Content of Child Abuse or Neglect Reports

The State Central Register or the local report-taker shall attempt to secure the following information from the reporter:

- a) family composition, including the name, age, sex, race, ethnicity, and address of the children named in the report and any other children in the environment;

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- b) name, age, sex, race, ethnicity and address of the children's parents, caregiver, if different from the parent(s), and if different, the relationship of the caregiver to the child(ren), and of the alleged perpetrator and his/her relationship to the child subjects;
- c) the physical harm to the involved children and an estimation of the children's present physical, medical, and environmental condition. This estimation should include information concerning any previous incidents of suspected child abuse or neglect; and
- d) the reporter's name, occupation and relationship to the children, actions taken by the reporter, where the reporter can be reached, and other information the reporter believes will be of assistance.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 300.80 Delegation of the Investigation

The Department may delegate the investigation of the child abuse or neglect report to:

- a) the local police, sheriff's office, other law enforcement agency, or the State's Attorney, when they are concurrently conducting a criminal investigation of the same incidents and allegations; or
- b) a coroner or medical examiner who is investigating the cause of death of a child who may have been the victim of child abuse or neglect; or
- c) a licensed child welfare agency or private social service agency ~~agencies--which had been designated for this purpose by the Department prior to July 17, 1988; or~~
- d) the Department of State Police, when the investigation involves suspected child abuse or neglect perpetrated by State employees acting in their official capacity or in State facilities or institutions.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 300.120 Taking Children Into Temporary Protective Custody

- a) Local law enforcement officers, Department investigative staff, and physicians treating a child may take temporary protective custody of a child without the consent of the person(s) responsible for the child's welfare, if they have reason to believe that:
 - 1) leaving the child in the home or in the care and custody of the child's ~~caretaker~~ caregiver presents an imminent danger to the child's life or health. The child shall not be taken into protective custody for the sole reason that the child was left with a relative, the relative is willing to keep the child, and the Department has reason to believe that the relative can adequately and safely care for the child; and
 - 2) there is insufficient time to obtain a Juvenile Court order

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- authorizing temporary custody.
- b) In addition to the above requirements, Department investigative staff shall have decided that in-home services would not sufficiently protect the child before Department staff take temporary protective custody of a child.
 - c) Local law enforcement officers or physicians who take temporary protective custody of a child must immediately notify the Department of their action.
 - d) When taking temporary protective custody of a child or receiving a child who was taken into temporary protective custody by the local law enforcement officer or by a physician, Department investigative staff shall:
 - 1) immediately notify the State Central Register of this action;
 - 2) make every reasonable effort to notify the child's parents, personal guardian, ~~or~~ legal custodian or relative caregiver of the action;
 - 3) request that the Guardianship Administrator or designee authorize any ordinary medical care or treatment necessary for those children taken into temporary protective custody;
 - 4) if the child needs treatment of an emergency nature and the parent or guardian is unavailable or unwilling to provide consent, the physician or hospital shall be asked to proceed under ~~"AN Act in relation to the performance of medical or dental or surgical procedures on and counseling for minors"~~ Ill. Rev. Stat. 1999, ch. 117, par. 4501-et-seq. the Consent by Minors to Medical Procedures Act [410 ILCS 210], which allows treatment to be given to minors without consent; and
 - 5) obtain a shelter care hearing under the provisions of the Juvenile Court Act within 48 hours, excluding Saturdays, Sundays, and holidays, in order to retain custody for more than 48 hours.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 300.130 Notices Whether Child Abuse or Neglect Occurred

- a) Written Notices of Decision
The Department provides a written notice to mandated reporters who reported suspected child abuse or neglect as well as to the child's parent, personal guardian, ~~or~~ legal custodian, or relative caregiver; the Juvenile Court Judge (when a State ward is involved); and the alleged perpetrator concerning the final determination of the report.
- b) Mandated Reporters
1) Mandated reporters who have reported suspected child abuse or neglect are informed via a written notice that a formal investigation was conducted. The written notice also provides an explanation of how further information on an indicated report may be secured. Department staff will notify them in writing:

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- A) ~~whether~~ of the name of the child who was the subject of a report of abuse or neglect;
 - B) whether the report was indicated or unfounded;
 - C) whether the Department took temporary protective custody.
- 2) Requests for additional information must be directed, in writing, to the State Central Register and must include:
 - A) the identity of the requestor;
 - B) the subject(s) name for whom the record is requested;
 - C) a notary public's attestation as to the identity of the requestor;
 - D) the purpose of the request.
 - 3) Upon receipt of an appropriate request, only the following information will be disclosed to the mandated reporter:
 - A) whether a Department case has been opened for the family or children; and
 - B) what Department services are being provided to the family or children.
 - 4) All requested information is sent in writing through certified mail and is deliverable only to the mandated reporter who made the request.
 - c) Parents, Personal Guardians, Legal Custodians, Relative Caregivers, and Alleged Perpetrators
 - 1) Custodial and non-custodial parents, personal guardians, ~~or~~ legal custodians, or relative caregivers of child subjects, and alleged perpetrators shall receive notification within 5 five calendar days after the report has been indicated or unfounded which indicate that the allegations were either:
 - A) unfounded, and that all identifying information in the computer and local index files will be ~~destroyed~~ unless the subjects request that they be retained in accordance with 89 Ill. Adm. Code 431, Confidentiality of Information of Persons Served by the Department; or
 - B) indicated, and all Department records will be maintained intact.
 - 2) In addition, written notices shall explain that:
 - A) the subjects of the report have access to the Department's records on the report, with the exception of the identity of the reporter or other persons who cooperated in the investigation;
 - B) the subjects of the report have the right to request a review of the determination that the report was indicated including the decision to maintain a record of the report in the Department's computer and local index files. 89 Ill. Adm. Code 336, Appeal of Child Abuse and Neglect Investigation Findings, fully explains the Department's review and appeal process; and
 - C) the subjects of the report may request, within 10 days of the date on the written notice, that an unfounded report be

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retained in the Department's computer and local index files, if the subjects of the report believe the report was not made in good faith. All such requests will be honored.

d) Other Parties

The Department shall notify, in writing, those supervisors or administrators referenced in Section 300.100(1) of this Part whether a report involving the person(s) they supervise was indicated or unfounded and, if unfounded, that Section 13 of the Personnel Record Review Act (~~111-Rev-Stat--1997-CH--48--Par--2013~~) (820 ILCS 40/13) requires that any record of the investigation must be expunged from the employee's personnel records. The Department shall also notify the employee, in writing, that notification has been sent to the employer informing the employer that the Department's investigation has resulted in an unfounded report. The notice to the employee shall also contain a statement of the employee's right to take the notice to the employer to have any record of the investigation expunged from the employee's record.

e) Child Abuse and Neglect Reports on Children in Department Custody

1) When a child is reported to the Department as being abused or neglected while in a foster home or relative home placement, whether by the foster parent, caregiver, or any other person in the placement, the Department shall promptly notify the following persons when the report has been made, when an investigation is pending, ~~an investigation has been initiated~~ and when the report has been indicated or unfounded:

- A) the parent(s) or private guardian(s) of the alleged abuse or neglect victim;
- B) all Department caseworkers or case managers responsible for the alleged victim and for any other children in the same foster home or relative home placement;
- C) ~~the Department's Bureau of Quality Assurance which shall be~~ those persons designated by the Director as responsible for evaluating the investigation and the disposition of the report;
- D) Department staff responsible for licensing and making placements with the facility.

2) When a child is reported to the Department as being abused or neglected while in residential placement, the Department shall promptly notify the following persons when the report has been made, an investigation is pending, and when the report has been indicated or unfounded:

- A) the parent(s) or private guardian(s) of the alleged abuse or neglect victim;
- B) those Department caseworkers or case managers responsible for the alleged victim, for each child alleged to be a witness to the incident, and for each child alleged to be a perpetrator of the incident;
- C) those persons designated by the Director responsible for

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evaluating the investigation and the disposition of the report;

D) Department staff responsible for licensing and making placements with the facility.

2) The Department shall notify the following when a report involving a child in Department custody is indicated:

A) the Juvenile Court. If services are being provided by the Department or its providers, the notice shall also give the name and location of the Department office serving the children;

B) the Department's administrative case reviewer responsible for reviewing the case plans of the children involved.

3) The Department shall transmit a copy of the report to the guardian ad litem appointed under the Juvenile Court Act of 1987 when a report has been indicated, unfounded, or undetermined and the minor who is the subject of the report is also the minor for whom the guardian ad litem has been appointed.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 300.150 Referral for Services

a) When an investigative worker determines that a report is indicated, the parents or ~~caretakers~~ caregivers may be given the opportunity to cooperate with the Department through services provided or arranged for by the Department. When the parents or ~~caretakers~~ caregivers are unwilling or unable to cooperate, or when legal custody or guardianship through the Department is necessary to protect the child, the worker may seek court intervention.

b) When the investigative worker determines that a report is unfounded but the family, including a relative caregiver, may need services, the worker shall:

- 1) inform the family of available child welfare services and refer the family for services, if requested; or
- 2) provide information regarding other community resources.

c) If the report is unfounded and the family does not want services, the worker shall make no recommendation for additional services.

d) The Department ~~will~~ may offer services to any child or family, including a relative caregiver, who is the subject of the report of child abuse or neglect prior to making a determination of indicated or unfounded when the family is in immediate need of services or there is an imminent danger to the child's life or health. However, the child's or family's willingness to accept services shall not be considered in making the determination of indicated or unfounded.

e) When the State Central Register does not accept a report of abuse or neglect because the sole reason for the report was that a child was left in the care of a relative, the State Central Register may:

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- 1) inform the relative of available child welfare services and refer the relative for services, if requested; or
 2) provide information to the relative regarding other community resources.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 300.APPENDIX B Child Abuse and Neglect Allegations

This Appendix describes the specific incidents of harm which must be alleged to have been caused by the acts or omissions of the persons identified in Section 3 of the Abused and Neglected Child Reporting Act before the Department will accept a report of child abuse or neglect. The allegation definitions focus upon the harm or the risk of harm to the child. Many of the allegations of harm can be categorized as resulting from either abuse or neglect. All abuse allegations of harm are coded with a one or two digit number under thirty. All neglect allegations of harm are coded with a two digit number greater than fifty. In addition each allegation is coded with a priority number, either I, II or III. This priority number ranges from the most serious, Level I, to the least serious, Level III. The allegations of harm, with their assigned priority number in parenthesis, are defined as follows:

Allegation

Definition

1/51

Death (Priority I)

Permanent cessation of all vital functions.

The following definitions of death are also commonly used:

- Total irreversible cessation of cerebral function, spontaneous function of the respiratory system, and spontaneous function of the circulatory system.
- The final and irreversible cessation of perceptible heart beat and respiration.

Verification of death must come from a physician or coroner.

2/52

Brain Damage Skull Fracture (Priority I)

Brain damage means injury to the large, soft mass of nerve tissue contained within the cranium skull. Skull fracture means a broken bone in the skull.

Verification of brain damage or skull fracture must come from a physician, preferably a neurosurgeon or radiologist.

3/53

Subdural Hematoma (Priority I)

Hematoma

A swelling or mass of blood (usually clotted) confined to an organ, tissue or space and caused by a break in a blood vessel.

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| Allegation # | Definition |
|----------------|--|
| - Third Degree | The damage extends through the outer layer of the skin into the inner layers. Blistering will be present within 24 hours. |
| - | Burns in which the skin is destroyed with damage extending into underlying tissues, which may be charred or coagulated. |
| Scalding | |
| | A burn to the skin or flesh caused by moist heat and hot vapors, as steam. |
| | All emersion burns (scalds) must be confirmed by a physician unless the alleged perpetrator has admitted to scalding the child. |
| 6/56 | Poison/Noxious Substances (Priority II) |
| Poison | |
| | Any substance, other than mood altering chemicals or alcohol, taken into the body by ingestion, inhalation, injection, or absorption that interferes with normal physiological functions. (Virtually any substance can be poisonous if consumed in sufficient quantity; therefore, the term poison more often implies an excessive amount rather than a specific group of substances.) |
| Noxious | |
| | Harmful, injurious, not wholesome. |
| | Verification must come from a physician or by a direct admission from the alleged perpetrator. |
| 7/57 | Wounds (Priority I) |
| | A gunshot or stabbing injury. |
| | Verification must come from a physician, a law enforcement officer or by a direct admission from the alleged perpetrator. |

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| Allegation # | Definition |
|-----------------|---|
| Subdural | |
| | Beneath the dura mater (the outer membrane covering the spinal cord and brain). |
| | A subdural hematoma is located beneath the membrane covering the brain and is usually the result of head injuries or the shaking of a small child or infant. It may result in loss of consciousness, seizures, mental or physical damage, or death. |
| | Verification of subdural hematoma must come from a physician. |
| 4/54 | Internal Injuries (Priority I) |
| | An internal injury is an injury which is not visible from the outside, e.g. an injury to the organs occupying the thoracic or abdominal cavities. Such injury may result from a direct blow. A person so injured may be pale, cold, perspiring freely, have an anxious expression, or may seem semicomatose. Pain is usually intense at first, and may continue or gradually diminish as patient grows worse. |
| | Verification of internal injuries must come from a physician. |
| 5/55 | Burns/Scalding (Priority II) |
| Burns | |
| | Tissue injury resulting from excessive exposure to thermal, chemical, electrical or radioactive agents. The effects vary according to the type, duration and intensity of the agent and the part of the body involved. Burns are usually classified as: |
| - First Degree | Superficial burns, damage being limited to the outer layer of skin. Scorching or painful redness of the skin. |
| - Second Degree | |

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| Allegation # | Definition |
|--------------|---|
| 8 | No allegation. |
| 9/59 | Bone Fractures (Priority II) |
| | A fracture is a broken bone. There are ten types of fractures, the most common being: |
| | Chip Fracture |
| | A small piece of bone is flaked from the major part of the bone. |
| | Simple Fracture |
| | The bone is broken, but there is no external wound. |
| | Complicated Fractures |
| | Compound |
| | The bone is broken, and there is an external wound leading down to the site of fracture or fragments of bone protrude through the skin. |
| | Comminuted |
| | The bone is broken or splintered into pieces. |
| | Spiral |
| | Twisting causes the line of the fracture to encircle the bone in the form of a spiral. |
| | Verification must come from a physician or radiologist. |
| 10 | No allegation. |
| 11/61 | Cuts, Bruises and Welts (Priority II) |
| | Cut |
| | An opening, incision or break in the skin made by some external agent. |
| | Bruise |
| | An injury which results in bleeding within the skin, where the skin is discolored but not broken. |
| | Welt |

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| Allegation # | Definition |
|--------------|---|
| | An elevation on the skin produced by a lash, blow, or allergic stimulus. The skin is not broken and the mark is reversible. |
| | Factors to be Considered |
| | Not every cut, bruise, or welt constitutes an allegation of harm. The following factors should be considered when determining whether an injury which resulted in cuts, bruises or welts constitute an allegation of harm: |
| | - the child's age (children aged 6 and under are at a much greater risk of harm). |
| | - child's medical condition, behavioral, mental, or emotional problems, developmental disability, or physical handicap, particularly as they relate to the child's ability to protect himself or herself. |
| | - pattern or chronicity of similar incidents. |
| | - severity of the cuts, bruises, or welts (size, number, depth, extent of discoloration). |
| | - location of the cuts, bruises, or welts. |
| | - whether an instrument was used on the child. |
| | - previous history of indicated abuse or neglect. |
| | Human Bites (Priority II) |
| 12/62 | A bruise, cut or indentation in the skin caused by seizing, piercing, or cutting the skin with human teeth. |
| 13/63 | Sprains/Dislocations (Priority II) |
| | Sprain |
| | Trauma to a joint which causes pain and disability depending upon the degree of injury to ligaments. In a severe sprain, ligaments may be completely torn. The signs are rapid swelling, heat and disability, often discoloration and limitation of function. |
| | Dislocation |
| | The displacement of any part, especially the temporary displacement of a bone from its normal position in a joint. Types include: |
| | Complicated |

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Allegation

Definition

A dislocation associated with other major injuries.
Compound

Dislocation in which the joint is exposed to the
external air.

Closed

A simple dislocation.

Complete

A dislocation which completely separates the
surfaces of a joint.

Verification must come from a physician, registered nurse,
licensed practical nurse or by a direct admission from the
alleged perpetrator.

14

Tying/Close Confinement (Priority II)

Unreasonable restriction of a child's mobility, actions or
physical functioning by tying the child to a fixed (or
heavy) object, tying limbs together or forcing the child to
remain in a closely confined area which restricts physical
movement. Examples include, but are not limited to:

- locking a child in a closet.
- tying one or more limbs to a bed, chair, or other
object except as authorized by a licensed physician.
- tying a child's hands behind his back.

15/65

Substance Misuse (Priority II)

The consumption of a mood altering chemical capable of
intoxication to the extent that it harmfully affects the
child's health, behavior, motor coordination, judgment, or
intellectual capability. Mood altering chemicals include
cannabis (marijuana), hallucinogens, stimulants (including
cocaine), sedatives (including alcohol and Valium),
narcotics, or inhalants.

Fetal alcohol syndrome or drug withdrawal at birth caused
by the mother's addiction to drugs is included in this
definition and is considered child neglect. Also included
is any amount of a controlled substance or a metabolite
thereof, found in the blood, urine or meconium (newborn's
first stool) of a newborn infant. A controlled substance
is defined in subsection (f) of Section 102 of the Illinois
Controlled Substances Act (720 ILCS 570/102). The
presence of such substances shall not be considered as

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Allegation

Definition

child neglect if the presence is due to medical treatment
of the mother or infant.

NOTE: Methadone withdrawal or other withdrawal verified as
under the auspices of a drug treatment program is not
included under drug withdrawal at birth.

Examples of substance misuse include, but are not limited
to:

- giving a minor (unless prescribed by a physician) any
amount of heroin, giving a minor (unless prescribed by
a physician) any amount of heroin, cocaine, morphine,
peyote, LSD, PCP, pentazocine, or methaqualone or
encouraging, insisting, or permitting a minor's
consumption of the above substances.
- giving any mood altering substance, including alcohol
or sedatives, unless prescribed by a physician, to an
infant or toddler.
- encouraging, insisting or permitting a child who has
not reached puberty to consume alcohol, drugs, or
another mood altering substance on a regular or
frequent basis.
- encouraging, insisting or permitting an adolescent to
consume alcohol, drugs, or another mood altering
substance on a daily basis.
- encouraging, insisting or permitting any minor to
become intoxicated by alcohol, drugs, or another mood
altering substance even if on an infrequent basis.

Factors to be Considered

The following factors should be considered when determining
whether a child is involved in substance misuse.

- age of the child.
- frequency of substance misuse.
- amount of substance consumption.
- whether the substance is illegal.
- degree of behavioral dysfunction, or physical
impairment linked to substance misuse.
- the child's culture, particularly as it relates to use
of alcohol in religious ceremonies or on special
occasions.

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- | Allegation # | Definition |
|--------------|--|
| - | whether the parent or caretaker's caregiver's attempts to control an older child's substance misuse or to seek help for the child's substance misuse were reasonable under the circumstances. |
| - | whether the parent or caretaker caregiver knew or should have known of the child's substance misuse. |

16 Torture (Priority I)

Deliberately and/or systematically inflicting unusual or cruel treatment which results in physical or mental suffering.

17/67 Mental Injury (Priority II)

Injury to the intellectual, emotional or psychological development of a child as evidenced by observable and substantial impairment in the child's ability to function within a normal range of performance and behavior, with due regard to his or her culture.

Verification that a child has been mentally injured must come from a medical doctor, registered psychologist, certified social worker, registered nurse or professional employee of a community mental health agency.

18 Sexually Transmitted Diseases (Priority I)

A disease which was acquired originally as a result of sexual penetration or sexual conduct with an individual who is afflicted. The diseases may include, but are not limited to:

- Gonorrhea
- Nonspecific Urethritis
- Syphilis
- Chancroid
- Genital Candidiasis
- Lymphogranuloma Venereum
- Granuloma Inguinale
- Genital Herpes
- Genital Warts
- Balanoposthitis
- Proctitis
- Neisseria Gonorrhea
- Chlamydia Trachomatis

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- | Allegation # | Definition |
|--------------|-------------------------------------|
| - | Treponema Pallidum |
| - | Haemophilus Ducreyi |
| - | Calymatobacterium Granulomatis |
| - | Trichomonas Vaginalis (Symptomatic) |
| - | AIDS |

Sexual penetration is defined in the Illinois Criminal Sexual Assault Act as "any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio or anal penetration."

Sexual conduct is defined in the Act as "any intentional or knowing touching or fondling of the victim or the perpetrator, either directly or through clothing of the sex organs, anus or breast of the victim or the accused, or any part of the body of a child . . . for the purpose of sexual gratification or arousal of the victim or the accused."

Verification of sexually transmitted diseases must come from a medical source.

19 Sexual Penetration (Priority I)

Any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or any animal or object into the sex organ or anus of another person. This includes acts commonly known as oral sex (cunnilingus, fellatio), anal penetration, coition, coitus, and copulation.

20 Sexual Exploitation (Priority I)

Sexual use of a child for sexual arousal, gratification, advantage, or profit. This includes but is not limited to:

- indecent solicitation of a child/explicit verbal enticement.
- child pornography.
- exposing sexual organs to a child for the purpose of sexual arousal or gratification.
- forcing the child to watch sexual acts.

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Allegation

Definition

- self-masturbation in the child's presence.

NOTE: Sexual penetration and molestation are excluded from this allegation. They are listed as separate allegations.

21 Sexual Molestation (Priority I)

Sexual conduct with a child when such contact, touching or interaction is used for arousal or gratification of sexual needs or desires. Examples include, but are not limited to:

- fondling.
- the alleged perpetrator inappropriately touching or pinching parts of the child's body generally associated with sexual activity.
- encouraging, forcing, or permitting the child to inappropriately touch parts of the alleged perpetrator's body generally associated with sexual activity.

22 Substantial Risk of Physical Injury (Priority II)

Substantial risk of physical injury means that the parent, ~~caretaker~~ caregiver, immediate family member aged 16 or over, other person residing in the home aged 16 or over, or the parent's paramour has created a real and significant danger of physical injury or sexual abuse to the child.

This allegation of harm is to be used when the type or extent of harm is undefined but the total circumstances lead a reasonable person to believe that the child is in substantial risk of physical injury or sexual abuse.

This allegation of harm also includes incidents of violence or intimidation directed toward the child which have not yet resulted in injury or impairment but which clearly threaten such injury or impairment.

Examples of incidents or circumstances which place the child in substantial risk of physical injury include, but are not limited to, the following:

Incidents

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Allegation

Definition

- choking the child.
- smothering the child.
- pulling the child's hair out.
- violently pushing or shoving the child into fixed or heavy objects.
- throwing or shaking a smaller child.
- other violent or intimidating acts directed toward the child which cause excessive pain or fear.

Circumstances

- domestic violence in the home when the child has been threatened and the threat is believable, as evidenced by a past history of violence, or uncontrolled behavior.
- a perpetrator of child abuse who has been ordered to remain out of the home returns home and has access to the abused child.
- the non-accidental death of one child provides reason to believe that another child is at risk.
- past sexual abuse, when confirmed by the victim, provides reason to believe that another child is at risk.

Factors to be Considered

Whether there is a real and significant danger is determined by the following factors:

- the child's age (children aged 6 and under are at a much greater risk of harm).
- the child's medical condition, behavioral, mental, or emotional problems, developmental disability, or physical handicap, particularly related to his or her ability to protect himself or herself.
- the severity of the occurrence.
- the frequency of the occurrence.
- the alleged perpetrator's physical, mental and/or emotional abilities, particularly related to his or her ability to control his or her actions.
- the dynamics of the relationship between the alleged perpetrator and the child.
- the alleged perpetrator's access to the child.
- the previous history of indicated abuse or neglect.
- the current stresses/crisis in the home.
- the presence of other supporting persons in the home.

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| Allegation # | Definition |
|--------------|--|
| 74 | <p>Inadequate Supervision (Priority II)</p> <p>The child has been placed in a situation or circumstances which are likely to require judgment or actions greater than the child's level of maturity, physical condition, and/or mental abilities would reasonably dictate. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time. Examples include, but are not limited to:</p> <ul style="list-style-type: none"> - leaving children alone when they are too young to care for themselves. - leaving children alone who have a condition that requires close supervision. Such conditions may include medical conditions, behavioral, mental, or emotional problems, or developmental or physical disabilities or physical-handicaps. - leaving children in the care of an inadequate or inappropriate caretaker caregiver. - being present but unable to supervise because of the caretaker's caregiver's condition (This includes (1) the parent or caretaker who repeatedly uses drugs or alcohol to the extent that it has the effect of producing a substantial state of stupor, unconsciousness, intoxication or irrationality and (2) the parent or caretaker who cannot adequately supervise the child because of his or her medical condition, behavioral, mental, or emotional problems, or a developmental or <u>physical disability</u>). or--physical handicaps-- - leaving children unattended in a place which is unsafe for them when their maturity, physical condition, and mental abilities are considered. <p>Factors to be Considered</p> <p>The following factors should be considered when determining whether a child is inadequately supervised.</p> <p>Child Factors</p> <ul style="list-style-type: none"> - child's age and developmental stage, particularly related to the ability to make sound judgments in the event of an emergency. |

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| Allegation # | Definition |
|--------------|--|
| | <ul style="list-style-type: none"> - child's physical condition, particularly related to the child's ability to care for or protect himself or herself. Is the child physically or mentally handicapped, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications? - child's mental abilities, particularly as related to the ability to comprehend the situation. - was the child's movement restricted or was the child otherwise locked within a room or other structure? <p><u>Caretaker Caregiver Factors</u></p> <ul style="list-style-type: none"> - presence or accessibility of caretaker caregiver. <ul style="list-style-type: none"> o How long does it take the caretaker caregiver to reach the child? o Can the caretaker caregiver see and hear the child? o Is the caretaker caregiver accessible by telephone? o Has the child been given phone numbers to call in the event of an emergency? - caretaker's caregiver's age. <ul style="list-style-type: none"> o Is the caretaker caregiver mature enough to assume responsibility for the situation? - caretaker's caregiver's physical and mental condition. <ul style="list-style-type: none"> o Is the caretaker caregiver able to make appropriate judgments on the child's behalf? <p>Incident Factors</p> <ul style="list-style-type: none"> - frequency of occurrence. - duration of the occurrence (as related to the "child factors" above). - time of the day or night when the incident occurs. - child's location (the condition and location of the place where the minor was left without supervision). - the weather conditions, including whether the minor was left in a location with adequate protection from the natural elements such as adequate heat or light. |

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| Allegation # | Definition |
|--------------|--|
| 76 | <p>Inadequate Food (Priority III)</p> <p>Lack of food adequate to sustain normal functioning. It is not as severe as Malnutrition or Failure to Thrive, both of which require a medical diagnosis.</p> <p>Examples include:</p> <ul style="list-style-type: none"> - the child who frequently and repeatedly misses meals or who is frequently and repeatedly fed insufficient amounts of food. - the child who frequently and repeatedly asks neighbors for food and other information substantiates that the child is not being fed. - the child who is frequently and repeatedly fed unwholesome foods when his age, developmental stage, and physical condition are considered. <p>Factors to be Considered</p> <p>Child Factors</p> <ul style="list-style-type: none"> - child's age. - child's developmental stage. - child's physical condition, particularly related to the need for a special diet. - child's mental abilities, particularly related to his ability to obtain and prepare his own food. <p>Incident Factors</p> <ul style="list-style-type: none"> - frequency of the occurrence. - duration of the occurrence. - pattern or chronicity of occurrence. - previous history of occurrences. - availability of adequate food. <p>Inadequate Shelter (Priority III)</p> <p>Lack of shelter which is safe and which protects the child(ren) from the elements.</p> <p>Examples of inadequate shelter include, but are not limited to:</p> <ul style="list-style-type: none"> - no housing or shelter. |

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| Allegation # | Definition |
|--------------|--|
| 75 | <p>Abandonment/Desertion (Priority II)</p> <p>Abandonment</p> <p>Abandonment is parental or--caretaker conduct which demonstrates the purpose of relinquishing all parental rights and claims to the child. Abandonment is also defined as any parental or--caretaker conduct which evinces a settled purpose to forego all parental duties and relinquish all parental claims to the child.</p> <p>Examples of abandonment include, but are not limited to, parents who:</p> <ul style="list-style-type: none"> - leave a baby on a doorstep. - leave a baby in a garbage can. <p>Desertion</p> <p>Desertion is any conduct on the part of a parent or caretaker which indicates an intention to terminate custody of the child but not to relinquish all duties to and claims on the child. Desertion includes leaving a child with no apparent intention to return, unless the child has been left in the care of a relative.</p> <p>Examples of abandonment/desertion include, but are--not limited--to--parents--or--caretakers--who:</p> <ul style="list-style-type: none"> - leave-a-baby-on-a-doorstep. - leave-a-baby-in-a-garbage-can. - leave-a-child-with-no-apparent-intention-to-return. - leave-a-child-with-an-appropriate-caretaker-but-fail-to-resume-care--of--the-child--as-agreed--for-a-period-of-three-months-or-more--and-the-caretaker-cannot-or--will-not-continue-to-care-for-the-child. |

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- | Allegation # | Definition |
|--------------|---|
| - | condemned housing. |
| - | exposed, frayed wiring. |
| - | housing with structural defects which endanger the health or safety of a child. |
| - | housing with indoor temperatures consistently below 50° F. |
| - | housing with broken windows in sub-zero weather. |
| - | housing which is a fire hazard obvious to the reasonable person. |
| - | housing with an unsafe heat source which poses a fire hazard or threat of asphyxiation. |

Factors to be Considered

Child Factors

- child's age.
- child's developmental stage.
- child's physical condition, particularly when it may be aggravated by the inadequate shelter.
- child's mental abilities, particularly related to the child's ability to comprehend the dangers posed by the inadequate shelter.

Shelter Factors

- seriousness of the problem.
- frequency of the problem.
- duration of the problem.
- pattern or chronicity of the problem.
- previous history of shelter-related problems.

78

Inadequate Clothing (Priority III)

Lack of appropriate clothing to protect the child from the elements.

Factors to be Considered

Child Factors

- child's age.
- child's developmental stage.
- child's physical condition, particularly related to conditions which may be aggravated by exposure to the elements.

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- | Allegation # | Definition |
|--------------|--|
| - | child's mental abilities, particularly related to his or her ability to obtain appropriate clothing. |
| | Incident Factors |
| - | frequency of the incident. |
| - | duration of the incident. |
| - | chronicity or pattern of similar incidents. |
| - | weather conditions such as extreme heat or extreme cold. |

79

Medical Neglect (Priority II)

Medical or Dental Treatment

Lack of medical or dental treatment for a health problem or condition which, if untreated, could become severe enough to constitute a serious or long-term harm to the child; lack of follow-through on a prescribed treatment plan for a condition which could become serious enough to constitute serious or long-term harm to the child if the plan goes unimplemented.

Immunizations

Lack of immunizations required by Section 1 of the Communicable Disease Prevention Act (410 ILCS 315) which states:

It is declared to be the public policy of this State that all children shall be protected, as soon after birth as medically indicated, by the appropriate vaccines and immunizing procedures to prevent communicable diseases which are or which may in the future become preventable by immunization.

The Department of Public Health has specified that the following immunizations are required unless there is a medical or religious reason why these immunizations should not be administered. The judgment of the family's physician with regard to whether there is a medical reason why immunization should not be administered shall be respected.

- Diphtheria
- Pertussis

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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| Allegation # | Definition |
|--------------|--|
| - | - Tetanus |
| - | - Poliomyelitis |
| - | - Measles |
| - | - Rubella |
| - | - Mumps |
| | The investigative worker shall give the parents 30 days to begin the required immunization series. |
| | Factors to be Considered |
| - | - child's age, particularly as it relates to the ability to obtain treatment. |
| - | - child's developmental stage. |
| - | - child's physical condition. |
| - | - seriousness of the current health problem. |
| - | - probable outcome if the current health problem is not treated and the seriousness of that outcome. |
| - | - generally accepted medical benefits of the prescribed treatment. |
| - | - generally recognized side effects/harms associated with the prescribed treatment. |

It must be verified that the child has/had an untreated health problem, or that a prescribed treatment plan was implemented, or that the child has not started to receive immunizations required by State law within the 30-day period. Such verification must come from a physician, registered nurse, dentist, or by a direct admission from the alleged perpetrator. It must further be verified by a physician, registered nurse or dentist that the problem or condition, if untreated, could result in serious or long-term harm to the child.

80 No Allegation

81 Failure to Thrive (Priority I)
(Non-Organic)

A serious medical condition most often seen in children under one year of age. The child's weight, height and motor development fall significantly short of the average growth rates of normal children (i.e., below the fifth percentile). In about 10% of these cases, there is an organic cause such as a serious kidney, heart, or

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Allegation #

Definition

intestinal disease, a genetic error of metabolism or brain damage. All other cases are a result of a disturbed parent-child relationship manifested in severe physical and emotional neglect of the child. Non-organic failure to thrive requires a medical diagnosis before it may be indicated.

Verification of failure to thrive must come from a physician.

82 Environmental Neglect (Priority III)

The child's person, clothing, or living conditions are unsanitary to the point that the child's health may be impaired. This may include infestations of rodents, spiders, insects, snakes, etc., human or animal feces, rotten or spoiled food or rotten or spoiled garbage which the child can reach.

Factors to be Considered

Special attention should be paid to the child's physical condition and the living conditions in the home in order to determine whether the report constitutes an allegation of harm. In addition, the following factors should be considered.

Child Factors

- child's age (children aged 6 and under are more likely to be harmed).
- child's developmental stage.
- child's physical condition.
- child's mental abilities.

Incident Factors

- severity of the conditions.
- frequency of the conditions.
- duration of the conditions.
- chronicity or pattern of similar conditions.

83 Malnutrition (Priority I)
(Non-Organic)

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Allegation

Definition

Lack of necessary or proper food substances in the body caused by inadequate food, lack of food, or insufficient amounts of vitamin or minerals. (Also known as marasmus or kwashiorkor.) Non-organic malnutrition requires a medical diagnosis before it may be indicated. There are various physical signs of malnutrition:

- A decrease in lean body mass or fat; very prominent ribs; the child may often be referred to as skin and bones.
- The hair is often sparse, thin, dry, and is easily pulled out or falls out spontaneously.
- The child is often pale and suffers from anemia.
- Excessive perspiration, especially about the head.
- The face appear lined and aged, often with a pinched and sharp appearance.
- The skin has an old, wrinkled look with poor turgor. (Classically, skin folds hang loose on the inner thigh and buttock.)
- The abdomen is often protuberant.
- There are abnormal pulses, blood pressure, stool patterns, intercurrent infections, abnormal sleep patterns and a decreased level of physical and mental activity.

Verification of malnutrition must come from a physician.

Lock-Out (Priority II)

The parent or ~~caretaker~~ caregiver has denied the child access to the home and has refused or failed to make provisions for another living arrangement for the child.

Medical Neglect of Disabled Infants (Priority I)

The withholding of appropriate nutrition, hydration, medication or other medically indicated treatment from a disabled infant with a life-threatening condition. Medically indicated treatment includes medical care which is most likely to relieve or correct all life-threatening conditions and evaluations or consultations necessary to assure that sufficient information has been gathered to make informed medical decisions. Nutrition, hydration, and medication, as appropriate for the infant's needs, is medically indicated for all disabled infants. Other types of treatment are not medically indicated when:

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Allegation

Definition

- the infant is chronically and irreversibly comatose.
- the provision of the treatment would be futile and would merely prolong dying.
- the provision of the treatment would be virtually futile and the treatment itself would be inhumane under the circumstances.

In determining whether treatment will be medically indicated, reasonable medical judgments, such as those made by a prudent physician knowledgeable about the case and its treatment possibilities, will be respected. However, opinions about the infant's future "quality of life" are not to bear on whether a treatment is judged to be medically indicated.

Factors to be Considered

- infant's physical condition.
- seriousness of the current health problem.
- probable medical outcome if the current health problem is not treated and the seriousness of that outcome.
- generally accepted medical benefits of the prescribed treatment.
- generally recognized side effects/~~harms~~ associated with the prescribed treatment.
- the opinions of the Infant Care Review Committee (ICRC), (if the hospital has an ICRC).
- the judgment of the Perinatal Coordinator regarding whether treatment is medically indicated and whether there is credible evidence of medical neglect.
- the parent's knowledge and understanding of the treatment and the probable medical outcome.

Verification that treatment was medically indicated must come from a physician and may come from experts in the field of neonatal pediatrics.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Service Appeal Process2) Code Citation: 89 Ill. Adm. Code 3373) Section Numbers: Proposed Action:

337.10 Amend
 337.20 Amend
 337.60 Amend
 337.70 Amend

4) Statutory Authority: The Children and Family Services Act [20 ILCS 505].

5) A. Complete Description of the Subjects and Issues Involved: The Department is proposing relative home placement reforms that remove the presumption that relatives will receive preference when the Department seeks to place a child in substitute care. The primary consideration in placing children will be the best interests of the child. Therefore, language in this Part which allows relatives to appeal the denial of placement of a related child is being deleted.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

| Section | Proposed Action | Illinois Register Citation |
|---------|-----------------|--|
| 337.30 | Amend | December 23, 1994 (18 Ill. Reg. 18168) |
| 337.70 | Amend | December 23, 1994 (18 Ill. Reg. 18168) |
| 337.100 | Amend | December 23, 1994 (18 Ill. Reg. 18168) |
| 337.210 | Amend | December 23, 1994 (18 Ill. Reg. 18168) |
| 337.230 | Amend | December 23, 1994 (18 Ill. Reg. 18168) |

10) Statement of Statewide Policy Objectives These amendments do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Office of Rules and Procedures
 Department of Children and Family Services
 406 East Monroe - Station 222
 Springfield, Illinois 62701-1498
 Telephone: (217)524-1983
 TTY: (217)524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. Public hearings have been scheduled on these proposed amendments in the following areas:

April 11, 1995

7:00 p.m.
 Quality Inn at Halsted
 One South Halsted
 Chicago, Illinois
 (312)829-5000

April 13, 1995

7:00 p.m.
 State House
 Room 212
 Springfield, Illinois
 (217)782-2099

Persons are asked to limit their testimony to a maximum of 15 minutes per person. We will gladly accept written testimony at the public hearings. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

12) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendment does not have an affect on small businesses.

13) State reason(s) for this rulemaking if it was not included in either of the two most recent regulatory agendas. The need for this rulemaking was not foreseen at the time the Department filed its regulatory agendas. A major management initiative affecting home of relative care has prompted the Department to file these amendments at the present time in order to implement them at the start of the next fiscal year.

The full text of the proposed amendment begins on the next page.

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 337

SERVICE APPEAL PROCESS

| Section | Purpose |
|---------|--|
| 337.10 | Definitions |
| 337.20 | The Service Appeal Process |
| 337.30 | Department and Provider Agency Responsibilities on Appealable Issues |
| 337.40 | The Right to a Service Appeal |
| 337.50 | Who May Appeal |
| 337.60 | What May Be Appealed |
| 337.70 | What May Not Be Appealed |
| 337.80 | Notices of Department or Provider Agency Decisions |
| 337.90 | How to Request a Service Appeal |
| 337.100 | Grounds for Dismissal of a Service Appeal Request |
| 337.110 | Time Frames for the Service Appeal Process |
| 337.120 | Continuing Services During the Service Appeal Process |
| 337.130 | Confidentiality During the Service Appeal Process |
| 337.140 | Notice Concerning a Service Appeal |
| 337.150 | Abandonment of a Service Appeal |
| 337.160 | Fair Hearing Appeal Rights |
| 337.170 | The Administrative Law Judge |
| 337.180 | Record of a Fair Hearing |
| 337.190 | Combined Hearings |
| 337.200 | Continuances Requested in a Combined Hearing |
| 337.210 | The Final Administrative Decision |
| 337.220 | Who Receives a Copy of the Final Administrative Decision |
| 337.230 | Notice of the Availability of Judicial Review |
| 337.240 | Severability of This Part |
| 337.250 | |

AUTHORITY: Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5].

SOURCE: Adopted at 17 Ill. Reg. 1046, effective January 15, 1993; amended at 19 Ill. Reg. _____, effective _____.

Section 337.10 Purpose

These rules govern the service appeal process for child welfare services provided either directly or through a provider agency. Persons who may appeal through this process may include persons requesting or receiving services, and as governed by this part, foster parents, and relative caregivers--and relatives denied the placement of a related child.

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 337.20 Definitions

"Adequate Notice" means a notice which contains all of the elements identified in Section 337.90 (c) of this part.

"Administrative Hearings Unit" means the Department's unit responsible for receiving requests for and acting upon a service appeal and conducting fair hearings on appeal.

"Administrative law judge" means an attorney who is appointed by the Director of the Department and who is responsible for conducting the fair hearing.

"Administrator of the Administrative Hearings Unit" means the person who is responsible for receiving requests for a service appeal and for coordinating the fair hearings.

"Appellant" means the person who requests a service appeal, or on whose behalf a service appeal is requested.

"Authorized representative" means a person authorized in writing by the appellant to assist the appellant in the appeal process. If the appellant is unable to reduce such authorization to writing, the Department shall assist the appellant in doing so. The representative may be legal counsel or other spokesperson.

"Child welfare services" means public social services which are directed toward the accomplishment of the following purposes:

protecting and promoting the welfare of all children, including homeless, dependent, or neglected children;

preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children;

preventing the unnecessary separation of children from their families by identifying family problems, and preventing breakup of the family where the prevention of child removal is desirable and possible;

restoring to their families children who have been removed by the provision of services to the child and the families;

placing children in suitable adoptive homes, in cases where

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restoration to the biological family is not possible or appropriate;

assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption;

providing supportive services and living maintenance which contributes to the physical, emotional and social well-being of children who are pregnant and unmarried;

providing shelter and independent living services for homeless youth; and

placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility. The Department is not required to place or maintain children:

who are in a foster home; or

who are developmentally disabled, as defined in the Mental Health and Developmental Disabilities Code; or

who are female children who are pregnant, pregnant and parenting or parenting; or

who are siblings,

in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age. ~~§§11-Rev-Stat-1993--ch--237-par--50057~~ [20 ILCS 505/5].

These services include but are not limited to: counseling, advocacy, day care, homemaker, emergency caregiver, family planning, adoption, visitation, placement, child protection and information and referral.

"Date of action" means the effective date of the action or proposed action by the Department or provider agency which resulted in the appeal.

"Date of appeal" means the postmark date or date of receipt of appellant's written request for an appeal, whichever is earlier, at the address specified in the notice.

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"Date of notice" means the date on which the appellant receives written notice of the Department's intended action or decision or the date on which the appellant learns of the intended action or decision, if a written notice was not provided.

"Day care services" means care provided to children for less than 24 hours per day in facilities requiring licensure under the Child Care Act of 1969 ~~§§11-Rev-Stat-1993--ch--237-par--2211--e--seq-7~~ [225 ILCS 10] in facilities exempt from licensure, in the home(s) of relatives, or in their own home.

"Department representative" means the designated individual responsible for presenting the Department's position in an emergency review and fair hearing.

"Emergency review" means a limited review of the actions or decisions of the Department or provider agency which may adversely affect an individual or individuals served by the Department. An emergency review provides for an interim decision pending a fair hearing.

"Fair hearing", as used in this Part, means a formal review of the action or decision of the Department or provider agency to determine whether such action or decision was in compliance with applicable laws and rules and in the best interests of the child.

"Family" means the biological or adoptive parents (provided a court has not terminated parental rights), legal guardian, or any relative who has assumed custody and control of the child in the absence of the child's biological or adoptive parents.

"Final administrative decision" means the Department's final decision, order, or determination on an appealed issue rendered by the Director in a particular case which affects the legal rights, duties or privileges of appellants and which may be appealed in a circuit court under the Administrative Review Law ~~§§11-Rev-Stat-1993--ch--237-par--3-1017~~ [735 ILCS 5/Art. III].

"Imminent risk of harm" means that individuals' actions, omissions or conditions endanger the life, or seriously jeopardize the physical or mental health or safety of themselves or others, if protective action would not be taken immediately.

"Individual legally acting on a person's behalf" means an individual who has been appointed by a court to act on behalf of a person when the person is incompetent, incapacitated, or otherwise unable to speak for himself or herself.

"Mediation" means a meeting open to all parties affected by the

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NOTICE OF PROPOSED AMENDMENTS

Confidentiality of Personal Information of Persons Served by the Department, to receive Department notices, to speak in the mediation or emergency review and the fair hearing, and to take any other actions permitted an appellant in this Part.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

Section 337.70 What May Be Appealed

a) By Families and Children

Families and children may appeal the following issues:

- 1) the denial, in whole or in part, of child welfare or day care services in accordance with 89 Ill. Adm. Code 303, Access to and Eligibility for Day Care Services, requested by families, children, or an individual legally appointed to represent a minor, incompetent or incapacitated person or the failure of the Department or its provider agency to decide, within 30 calendar days of the date of the request, whether to grant or deny services requested by the parents or children;
 - 2) a decision to reduce, suspend or terminate services;
 - 3) the choice of a permanency goal or the denial of a request for a change in permanency goal;
 - 4) the failure to complete a service plan within 30 calendar days of case opening or the failure to review the service plan within the Department's specified time frames;
 - 5) the failure to provide services as specified in the service plan with reasonable promptness or within the time frames as provided in the service plan;
 - 6) the frequency or length of family visitation, or failure to arrange parent-child visits when the child is placed out of the home and parental rights have not been terminated, and the frequency or length of sibling visits when children are placed apart;
 - 7) a change in the placement of the child;
 - 8) the imposition of unnecessary services or conditions as part of a service plan.
- 9) ~~a denial of a relative's request for placement with that relative of a child for whom the Department is legally responsible.~~
- b) By Foster Parents and Relative Caregivers
- 1) Foster parents may appeal the following issues:
 - A) decisions made by the Department or its provider agency which directly affect the foster parent, such as payment issues, as defined in 89 Ill. Adm. Code 359, Authorized Child Care Payments;
 - B) decisions made by the Department or its provider agency regarding services provided for the benefit of foster children in their care, such as day care, medical,

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educational, and psychological services:
 C) failure to provide services as specified in the service plan for the benefit of the foster children in their care. This does not include services provided to the biological family, such as family therapy or family counseling; and

D) a change in the child's substitute care placement. This does not include placement with the biological or adoptive parent(s), relative(s), or sibling(s), placements for purposes of adoption as ordered by the court, or return to an unrelated individual(s) with whom the child resided prior to entering substitute care.

2) Relative caregivers may appeal the following issues:

A) decisions made by the Department or its provider agency that directly affect the relative caregiver, such as payment issues as defined in 89 Ill. Adm. Code 359, Authorized Child Care Payments;

B) decisions made by the Department or its provider agency regarding services provided for the benefit of foster children in their care, such as day care, medical, educational, and psychological services;

C) failure to provide services as specified in the service plan for the benefit of the foster children in their care. This does not include services provided to the biological family, such as family therapy or family counseling; and

D) a change in the child's substitute care placement. This does not include placement with the biological or adoptive parent(s), placements for purposes of adoption as ordered by the court, or return to an unrelated individual(s) with whom the child resided prior to entering substitute care.

3) Foster parents and relative caregivers have the right to be heard by the Bureau of Quality Assurance on issues specified in 89 Ill. Adm. Code 305, Client Service Planning, Section 305.80, Decision Review, which issues are not appealable under this Part. However, they will not be considered a party to the service appeal on issues which may affect residual parental rights and responsibilities. These include, but are not limited to, issues regarding the child's return home, family visitation, the right to consent to adoption, the right to determine the minor's religious affiliation and other issues which do not directly affect the foster parents themselves or their roles as caregivers of the child. The residual rights and responsibilities of parents are further defined in Section 401-3 1-3 of the Juvenile Court Act of 1987 (401-Rev-Stat-1991-eh-37-par-001-3) [705 ILCS 1-3].

c) By Relatives

~~Relatives who are denied placement of a related child may appeal the denial.~~

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Services Delivered by the Department

2) Code Citation: 89 Ill. Adm. Code 302

3) Section Numbers: Proposed Action:

| | |
|---------|--------|
| 302.20 | Amend |
| 302.40 | Amend |
| 302.320 | Amend |
| 302.330 | Amend |
| 302.340 | Amend |
| 302.370 | Amend |
| 302.390 | Repeal |

4) Statutory Authority: The Children and Family Services Act [20 ILCS 505].

5) A Complete Description of the Subjects and Issues Involved: These changes are necessary in order to make Part 302 consistent with other Department rules regarding home of relative care. When children are living apart from their parents but with other related caregivers, they will no longer be considered as neglected for that reason alone. The Department will work to preserve and strengthen appropriate relative family arrangements by providing services to maintain the child with the relative caregiver and avoid placing children in State custody. The effect of these proposed rule changes will be to support and stabilize an increased number of children in family homes, rather than placing them in substitute care.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

| Section | Proposed Action | Illinois Register Citation |
|---------|-----------------|----------------------------|
|---------|-----------------|----------------------------|

| | | |
|---------|-------|---------------------------------------|
| 302.310 | Amend | February 17, 1995 (19 Ill. Reg. 1372) |
|---------|-------|---------------------------------------|

10) Statement of Statewide Policy Objectives These amendments do not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Jacqueline Nottingham, Chief

Office of Rules and Procedures

Department of Children and Family Services

406 East Monroe - Station #222

Springfield, Illinois 62701-1498

Telephone: (217)524-1983

TTY: (217)524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. Public hearings have been scheduled on these proposed amendments in the following areas:

April 11, 1995

7:00 p.m.

Quality Inn at Halsted

One South Halsted

Chicago, Illinois

(312) 829-5000

April 13, 1995

7:00 p.m.

State House

Room 212

Springfield, Illinois

(217) 782-2099

Persons are asked to limit their testimony to a maximum of 15 minutes per person. We will gladly accept written testimony at the public hearings. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendment does not have an affect on small businesses.
- 13) State reason(s) for this rulemaking if it was not included in either of the two most recent regulatory agendas. The need for this rulemaking was not foreseen at the time the Department filed its regulatory agendas. A major management initiative affecting home of relative care has prompted the Department to file these amendments at the present time in order to implement them at the start of the next fiscal year.

The full text of the proposed amendment begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 302

SERVICES DELIVERED BY THE DEPARTMENT

SUBPART A: GENERAL PROVISIONS

Section

302.10 Purpose

302.20 Definitions

302.30 Introduction

302.40 Department Service Goals

302.50 Functions in Support of Services

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section

302.100 Reporting Child Abuse or Neglect to the Department (Recodified)

302.110 Content of Child Abuse or Neglect Reports (Recodified)

302.120 Transmittal of Child Abuse or Neglect Reports (Recodified)

302.130 Special Types of Reports (Recodified)

302.140 Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)

302.150 Delegation of the Investigation (Recodified)

302.160 The Investigative Process (Recodified)

302.170 Taking Children Into Temporary Protective Custody (Recodified)

302.180 Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)

302.190 Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section

302.300 Adoptive Placement Services

302.305 Adoption Listing Service for Special Needs Children

302.310 Adoption Assistance

302.311 Nonrecurring Adoption Expenses

302.315 Adoption Registry

302.320 Counseling or Casework Services

302.330 Day Care Services

302.340 Emergency Caretaker Services

302.350 Family Planning Services

302.360 Health Care Services

302.370 Homemaker Services

302.380 Information and Referral Services

302.390 Placement Services (Repealed)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

302.400 Successor Guardianship

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

| Section | Purpose |
|---------|--|
| 302.500 | Implementation of the Family Preservation Act |
| 302.510 | Types of Intensive Family Preservation Services |
| 302.520 | Phase In Plan for Statewide Family Preservation Services |
| 302.530 | Time Frames |

Appendix A Acknowledgement of Mandated Reporter Status (Recodified)

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15229, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired on July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 302.20 Definitions

"Adoption assistance" or "adoption subsidy" means financial assistance from the Department which is provided to the adoptive parents after the finalization of an adoption.

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"Adoption placement" means a living arrangement with a family which is directed toward establishing that family as the child's new legal parents.

"Biological father" means a man who has acknowledged his paternity via a notarized statement or whose paternity is adjudicated in court. When paternity has been acknowledged or adjudicated, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Child welfare services" means public social services which are directed toward the accomplishment of the following purposes:

protecting and promoting the welfare of all children, including homeless, dependent, or neglected children;

preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children;

preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible;

restoring to their families children who have been removed, by the provision of services to the child and the families;

placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate;

assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption;

providing supportive services and living maintenance which contributes to the physical, emotional and social well-being of children who are pregnant and unmarried;

providing shelter and independent living services for homeless youth; and

placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program,

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or in a licensed shelter facility. The Department is not required to place or maintain children:

who are in a foster home; or

who are developmentally disabled, as defined in the Mental Health and Developmental Disabilities Code; or

who are female children who are pregnant, pregnant and parenting or parenting; or

who are siblings,

in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age. (111 Rev. Stat. 1991, ch. 23, par. 506.5) [20 ILCS 505/5]

These services include but are not limited to: counseling, advocacy, day care, homemaker, emergency caretaker, family planning, adoption, placement, child protection and information and referral.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department.

"Department" as used in this Part, means the Department of Children and Family Services.

"Family" means one or more adults and children, related by blood, marriage, or adoption and residing in the same household.

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare sees that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from severe physical, mental and emotional harm, and provided with necessary medical care and education as required by law. A parent who has abandoned a child, deserted a child for three months, or failed to demonstrate an reasonable degree of interest, concern, or responsibility as to the welfare of a newborn child for 30 days after birth is deemed to have failed to have met the minimum parenting standards, unless the parent has arranged for the child's care in the home of a relative. In addition, a parent who is addicted to alcohol, or who is a drug addict, as defined in Section 1-103 of the Illinois Alcoholism and Other Drug Dependency Act (111 Rev. Stat. 1991, ch. 111, § 2-1, par. 635.1-3) [20 ILCS 305/1-103] and who has consistently failed to cooperate in a

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rehabilitation program for a period of at least twelve months is deemed to have failed to have met the minimum parenting standards unless the parent has arranged for the child's safety and well-being have been ensured despite the parent's addiction.

"Parents" means the child's legal parents whose rights have not been terminated and adoptive parents. Biological fathers are considered legal parents when paternity has been acknowledged in writing or adjudicated in court.

"Permanency goal" means the continuous living arrangement which the Department deems desirable for and available to the child. A permanent legal status is usually a component of the permanency goal. The means for attaining a permanency goal as well as the goal itself can change as the child's developmental and emotional needs change or as the child's and family's circumstances change.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Relative caregiver" means a person 21 years of age or older, other than the parent, who has physical custody of the child and to whom the child has any of the following currently existing relationships by blood or adoption: grandparent, sibling, great grandparent, uncle, aunt, nephew, niece, first cousin, great uncle, great aunt, or who is the spouse of such a relative or who is the child's step-father, step-mother, step-brother or step-sister.

"Service constellation" means a variety of services provided to a child and his/her family.

"Service plan" means a written plan on a form prescribed by the Department in the plan toward the permanency goal for the children.

"Successor guardianship" means the judicial transfer under Section 802-27, 803-28, 804-25, or 805-29 of the Juvenile Court Act of 1987 of the Department's guardianship duties and responsibilities for a minor to a related or unrelated person whom the child has lived with for a continuous period of a year or more before transfer of guardianship.

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 302.40 Department Service Goals

a) The Department provides, directly or through purchase, a number of services for children and families which are individually planned to meet the needs of each child and family. These services are directed toward four service goals which are:

- 1) family preservation
- 2) family reunification
- 3) adoption or attainment of a permanent living arrangement
- 4) youth development

b) Family Preservation

When family preservation is the goal, services are directed toward ensuring the ~~child's~~ children's development, safety and well-being in the home of their family ~~his-parents'-home~~ and preventing placement of the ~~child~~ children away from the their family. Such families may have been reported to the Department for alleged child abuse or neglect or referred to the Department for services. The service constellation for these children and families may include:

- 1) counseling/advocacy
- 2) emergency caretaker
- 3) homemaker
- 4) day care and child development
- 5) family planning
- 6) parent education
- 7) self-help groups
- 8) emergency family shelter
- 9) intensive family preservation services
- 10) other placement prevention services
- 11) referral for substance abuse treatment services

c) Family Reunification

When family reunification is the goal, services are directed toward returning a child to his parent's or private guardian's home when the child was removed because of alleged child abuse or neglect or other reasons. Family reunification services are directed toward helping the ~~child's~~ children's ~~parents'~~ parent(s) or private guardian(s) achieve minimum parenting standards and ensuring the ~~child's~~ their safety and well-being upon ~~his~~ return home. The service constellation for these children and families may include:

- 1) counseling/advocacy
- 2) homemaker
- 3) day care and child development
- 4) foster family home care
- 5) relative home care
- 6) residential care
- 7) family planning
- 8) parent education
- 9) intensive family preservation services
- 10) referral for substance abuse treatment services

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d) Adoption or Attainment of a Permanent Living Arrangement

When adoption or attainment of a permanent living arrangement is the goal, services are directed at securing a new legal status in a permanent living situation for children who cannot return to their legal families. A goal of permanent living arrangement means that the child is to remain with a relative or foster family permanently and the Department intends to transfer legal guardianship to the family. The service constellation for these children may include:

- 1) counseling
- 2) adoption
- 3) relative home care
- 4) foster family home care
- 5) intensive family preservation services

e) Youth Development

1) When youth development is the goal, services are directed at helping youth live independently or assisting unmarried youth with planning for the birth or care of their child. Such services may be provided by the Department to:

- A) Youth 16 years of age or older for whom the Department has legal responsibility, to help them live independently of adult ~~caretaker~~ caregiver supervision and achieve economic self-sufficiency; and
 - B) Youth who are high school graduates and have been awarded scholarships in accordance with ~~AN--Act--creating--the Department-of-Children-and-Family-Services--codifying--its powers--and--duties--and-repealing-certain-Acts-and-Sections herein-named(1111-Rev--Stat--1989--ch--237--par--5955) the Children and Family Services Act [20 ILCS 505]; and~~
 - C) Unmarried pregnant youth for whom the Department has legal responsibility; and
 - D) Unmarried pregnant youth under age 18 for whom the Department is not legally responsible.
- 2) The service constellation for youth for whom the Department is legally responsible may include:
- A) counseling/advocacy
 - B) day care for the children of unmarried youth
 - C) homemaker
 - D) family planning
 - E) maintenance payments or foster family home, relative home or residential care payment except that maternity home payment shall be limited to a maximum of ninety (90) days.
- 3) The only purchased service for unmarried youth for whom the Department is not legally responsible for which the Department will make payment is a maximum of ninety (90) days of maternity home care for unmarried pregnant youth under age 18 at the time of anticipated delivery.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section 302.320 Counseling or Casework Services

- a) Counseling or casework services are provided to children and families to assist them in resolving or coping with problems as well as to identify, obtain and use community resources and services. Problems addressed include, but are not limited to: unsatisfactory parent caregiver-child relationships; marital discord; inadequate home management, housekeeping or child care practices; parental illness, handicap, desertion or absence; and, physical or mental handicap, or behavior of the child which adversely affects his ability to adjust to his family, school or community.
- b) Counseling provided to children in need of a one-to-one relationship with an adult is referred to as advocacy and offered to:
 - 1) help children in institutional settings prepare for and adjust to post-institutional care;
 - 2) prevent unnecessary out-of-home placement of children when placement is likely; or
 - 3) help adolescents move toward independent functioning and self-sufficiency.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 302.330 Day Care Services

Day care services are provided to children in licensed or license exempt day or night care facilities, in their own homes or in the homes of relatives:

- a) when parents or relative caregivers are away from home during part of the day due to employment or training; or
- b) when parents or relative caregivers are unable to care for the child due to illness; or
- c) when care away from the home for part of the day is essential for the safety and well-being of children and the welfare of the parents or relative caregivers; or
- d) when the parent's or relative caregiver's ability to care for the children at home during certain hours of the day is impaired; or
- e) when a child with special developmental needs will benefit from day care services; or
- f) when a child in foster family care or relative home placement can benefit from day care services.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 302.340 Emergency Caretaker Services

Emergency caretaker services are provided when the parents or caretakers caregivers are absent from the home and there would be no risk if the child remains in the home with adequate supervision. The intent of this service is to maintain the child in familiar surroundings and reduce inappropriate out-of-home placement. The Department may provide an emergency caretaker for up to 12 hours without taking temporary custody of the child.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 302.370 Homemaker Services

Homemaker services are provided primarily as an in-home, protective service to maintain and strengthen the ability of the parent(s) or relative caregiver to provide adequate child care and to improve their parenting skills. Additionally, homemaker services may be provided to ease the reunification of families, or to assist foster parents during times of family crisis as well as during pre-planned relief time. Service activities may include teaching and provision of home management, including meal planning and preparation, budgeting, shopping and child care; health care; teaching parenting skills; observation of family interaction; and assessment of client's needs.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 302.390 Placement Services (Repealed)

a) When placement is appropriate

- 1) Placement services are not offered unless appropriate family preservation services have been provided to the family, or have been offered to and refused by the family. However, when the children's safety and well-being are endangered as defined in subsection (d) below, and other services are deemed insufficient to ensure their safety and well-being, placement services shall be provided even though other appropriate services have not been offered.

- 2) Other than situations where emergency placement is necessary, the family shall be offered an appropriate mix of services directed at family preservation to supplement their parenting skills or to resolve or alleviate family problems which threaten to harm the child. Services directed toward family preservation shall be offered and will be identified in the service plan. When services are unsuccessful or are offered to and refused by the family, the child may be placed in accordance with applicable legal procedures.

- 3) When efforts toward achieving family reunification fail to result

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foster-family-home:

2) Although foster-family-home-care-is-generally-provided-to children-whose-parents-are-unable-or-unwilling-to-protect-or-care for-them-it-is-also-available-for-hearing-impaired-children-who require-special-education-not-available-in-that-home community-the-Best-interest-is-not-legally-responsible-for-the children-receiving-this-unique-placement-service-Gare-is provided-in-cooperation-with-the-Illinois-State-Board-of Education:

h) Residential-Care:

Residential-care-is-provided-in-licensed-group-homes-and-residential care-facilities-including-nursing-homes-and-intermediate-or-skilled nursing-care-facilities-group-homes-are-considered-to-be-a-less restrictive-environment-than-an-institutional-setting-Group-home care-is-provided-for-teenagers-unable-to-adjust-to-family-living-who need-a-less-structured-living-situation-than-is-provided-in residential-care-facilities-Placement-in-residential-care-facility shall-be-made-only-when-no-other-less-restrictive-setting-is appropriate-for:

1) children-requiring-intensive-services-to-change-behaviors-which significantly-interfere-with-their-capacity-to-cope-with-daily life-or-which-preclude-placement-in-a-family-setting-or

2) children-who-reguire-long-term-care-in-an-ongoing-care-in-an intermediate-or-skilled-nursing-care-facility-because-of-a-severe physical-or-mental-handicap:

3) children-who-reguire-long-term-care-on-an-ongoing-basis-because of-a-severe-emotional-handicap:

4) Sharing-Appropriate-Information-with-the-Caretaker

At-the-time-the-Best-interest-places-a-child-in-foster-care-or-other substitute-care-the-Department-shall-provide-available information-about-the-child-necessary-for-the-proper-care-of-the child-to-the-foster-parent-or-other-caretaker:

2) This-information-includes:

A) The-medical-history-of-the-child-including-known-medical problems-or-communicable-diseases:

B) The-school-history-of-the-child-including-any-special educational-needs:

C) The-case-history-of-the-child-including-how-the-child-came into-care-the-child's-legal-status-and-the-permanency-plan for-the-child:

D) Other-background-information-including-including behavior-problems-habits-hobbies-and-interests:

3) Information-subject-to-the-Health-and-Developmental Statistics-Cooper-shall-be-maintained-in-the-Department's-Administrative-Confidentiality-of-personal-information-of Persons-Saved-by-the-Department-Section-4312:

4) Information-relating-to-the-Acquired-ImmunoDeficiency-Syndrome (AIDS)-Related-Complex-(ARC)-or-Human-Immunodeficiency

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Virus-4312)-test-results-shall-be-shared-only-in-accordance-with 49-111-Adm-Code-4312-Confidentiality-of-personal-information-of Persons-Saved-By-the-Department-Section-4312:

5) When-the-above-information-is-not-available-at-the-time-of placement-the-care-taker-shall-be-given-that-information-if available-and-advised-that-additional-information-will-be provided-when-it-is-received:

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Designation of Restricted Waters in the State of Illinois
- 2) Code Citation: 17 Ill. Adm. Code 2030
- 3) Section Numbers:
- | | |
|---------|-------------|
| 2030.10 | New Section |
| 2030.15 | Amendments |
| 2030.20 | Amendments |
| 2030.30 | Amendments |
| 2030.40 | Amendments |
| 2030.50 | Amendments |
| 2030.60 | Repealed |
| 2030.70 | New Section |

- 4) Statutory Authority: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act [625 ILCS 45/5-7 and 5-12].

- 5) A complete description of the subjects and issues involved: Amendments include adding language concerning the Uniform State Waterway Marking System, establishing minimum requirements for markers, establishing a process for designation, outlining designated areas and adding language regarding Riverboat Gambling Casinos.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of statewide policy objectives: This rule has no impact on local governments.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 495
Springfield, IL 62701-1787
Phone 217 792-1809

- 12) Initial regulatory flexibility analysis: This rule does not affect small businesses.

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- 13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: The Department neglected to submit an agency agenda for this Part.

The full text of the proposed amendments begins on the next page:

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER e: LAW ENFORCEMENT

PART 2030
DESIGNATION OF RESTRICTED WATERS IN THE STATE OF ILLINOIS

| | |
|---------|--|
| Section | General Regulations |
| 2030.10 | General Regulations (Repealed) |
| 2030.15 | Designation of Restricted Waters by the Department of Conservation |
| 2030.20 | Region I - Designated Restricted Boating Areas |
| 2030.30 | Region II - Designated Restricted Boating Areas |
| 2030.40 | Region III - Designated Restricted Boating Areas |
| 2030.50 | Region IV - Designated Restricted Boating Areas |
| 2030.60 | Region V - Designated Restricted Boating Areas (Repealed) |
| 2030.70 | Riverboat Gambling Casinos - Designated Restricted Boating Areas |

AUTHORITY: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act [625 ILCS 45/5-7 and 5-12].

SOURCE: Adopted at 5 Ill. Reg. 8763, effective August 25, 1981; codified at 5 Ill. Reg. 10617; amended at 9 Ill. Reg. 4789, effective April 2, 1985; amended at 11 Ill. Reg. 9519, effective May 5, 1987; emergency amendments at 12 Ill. Reg. 8745, effective May 15, 1988, for a maximum of 150 days; emergency expired September 20, 1988; emergency amendments at 12 Ill. Reg. 12111, effective July 6, 1988, for a maximum of 150 days; emergency expired December 12, 1988; amended at 12 Ill. Reg. 16707, effective September 30, 1988; amended at 12 Ill. Reg. 20472, effective November 28, 1988; corrected at 13 Ill. Reg. 967; emergency amendments at 13 Ill. Reg. 2878, effective February 21, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 12814, effective July 21, 1989; amended at 16 Ill. Reg. 8483, effective May 26, 1992; amended at 19 Ill. Reg. _____, effective _____.

Section 2030.10 General Regulations

- a) All waters designated as Restricted Boating Areas shall be posted in accordance with the United States Coast Guard's Uniform Waterway Marking System, contained in 33 CFR 66, Subpart 66.10, except as provided in subsections (b) and (c).
- b) The use of regulatory markers prescribed by the Uniform State Waterway Marking System shall be further restricted as follows:
 - 1) Where a sign is used as a marker, the sign shall be of square or rectangular shape. The sign shall be white, with an international orange border and an international orange geometric shape centered on the signboard.
 - 2) The minimum size of any sign used as a marker shall be 24 inches on each side.

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- 3) The minimum size of any buoy used as a marker shall be 9 inches in diameter.
- 4) The minimum size of any alpha or numeric characters used on any sign or buoy shall be 1 inch of height for every 50 feet of intended visibility, provided that in no case shall the height of the characters be less than 3 inches.
- 5) The minimum height of any geometric shape used on any sign or buoy shall be 12 inches.
- 6) The minimum band width of any border or geometric shape used on a sign or buoy shall be 2 inches.
- c) No existing Restricted Boating Areas designated prior to July 1, 1995 shall be required to comply with the provisions of subsection (a) until July 1, 1998.

(Source: Former Section 2030.10 repealed at 16 Ill. Reg. 8483, effective May 26, 1992; new Section added at 19 Ill. Reg. _____, effective _____.)

Section 2030.15 Designation of Restricted Waters by the Department of Conservation

- a) Areas will be considered for designation, modification or elimination as restricted when the request for establishing a restricted area is made from outside the Department. Requests from outside the Department must meet the following criteria:
 - 1) Be accompanied by a minimum of 25 signatures of interested persons over the age of 18 who would be directly affected by the restrictions.
 - 2) Contain a detailed description of the area proposed for restriction with appropriate maps and other supporting data.
- b) All requests for the restricting of areas shall meet the following criteria:
 - 1) Evidence indicates that a boating safety hazard presently exists; or
 - 2) Evidence indicates a public safety concern exists relative to other water uses (e.g. swimming, skiing, etc.); or
 - 3) Evidence indicates that a boating user conflict exists.
- c) Consideration for protection of private property shall not be considered as appropriate criteria for restriction.
- d) Procedures for processing requests for restrictions:
 - 1) All requests will be forwarded to the Department of Conservation, Office of Law Enforcement Division.
 - 2) The Department of Conservation, Office of Law Enforcement Division will investigate and validity of the request in accordance with subsection (b) Section 2030.15(f) and forward a report and recommendation to the Director for action by the Department.

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 2030.20 Region I - Designated Restricted Boating Areas.

- a) The following portions of the Rock River are designated as Slow, No Wake areas:
- 1) An area of the Rock River located at Moonlite Bay, 4 miles east of Sterling and 6 miles west of Dixon, Illinois.
 - 2) The portion of the Rock River 1/4 mile above the dam at Oregon, Illinois, at the docking area at Lowden Memorial Park.
 - 3) ~~An area of the Rock River located at Joe's Marina--N.--Second Street--Rockford--Illinois.~~
 - 4) ~~An area of the Rock River located at Martin Park--Bovay--Park--Illinois.~~
 - 5) ~~An area at the Rock River Boat Club--Galesburg--Illinois.~~
- b) The following portions of the Fox River are designated as Slow, No Wake areas:
- The portion of the Fox River between the Main Street bridge of the City of Ottawa and the mouth of the Fox River at the confluence of the Illinois River.
- c) The following portions of the Illinois River are designated as Slow, No Wake areas:
- 1) The portion of the Illinois River from the Burlington Northern R.R. bridge in the City of Ottawa to the upstream side of the mouth of the Fox River.
 - 2) The area of the Illinois River near the Spring Bay boat harbor at Spring Bay, Illinois.
 - 3) An area of the Illinois River at the Woodford County Conservation area, 7 miles north of Spring Bay off Route 87.
 - 4) An area of the Illinois River located at the Detweiler Marina, Peoria, Illinois.
 - 5) An area of the Illinois River at Alfrisco Harbor, Peoria Heights, Illinois.
 - 6) An area located at the Sobowski Marina, Peoria Heights, Illinois.
 - 7) An area located at the Illinois Valley Yacht Club, Peoria Heights, Illinois.
 - 8) An area at Henry, Illinois, on the west side of the River from Browns Landing to 300 yards north of the bridge.
 - 9) The Lacon Boat Club Dock, Lacon, Illinois.
 - 10) The boat harbor at Lacon, Illinois.
 - 11) ~~An area at the town of Hennepin and Spring Valley--Illinois.~~
 - 12) ~~An area at the South Shore Boat Club, Peru, Illinois.~~
 - 13) ~~The launching area at Starved Rock State Park.~~
 - 14) ~~The harbor of Starved Rock Marina, Ottawa, Illinois.~~
 - 15) ~~An area at the Starved Rock Yacht Club at Ottawar--Illinois.~~
 - 16) ~~The waters of the Illinois River beginning in front of the Pekin Boat Club launching ramp.~~

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- d) The following portions of the Mississippi River are designated as Slow, No Wake areas:
- 1) An area bordering the Savanna Park waterfront, extending from a jetty south of the Ritchie Boat Dock, north to a jetty north of the Kindell Marina.
 - 2) ~~An area in the vicinity of the boat dock and launching ramp at Boat-Thunder-Forest-Preserve located 3 miles west of Andalusia.~~
 - 3) ~~An area in Valey Chute which runs through the Andalusia Islands located 4 miles west of Andalusia.~~
 - 4) ~~An area at the launching ramp and harbor of the Rock Island Boat Club located at the foot of 18th Avenue in Rock Island.~~
 - 5) ~~An area at the harbor and boat ramp in front of the Legion Hall at Cordova, Illinois.~~
 - 6) ~~An area located at the boat ramps, City of Moline, between 26th Street and 34th Street and River Drive.~~
 - 7) ~~An area near the launching ramps and bathing beach at Keithsburg, Illinois.~~
 - 8) ~~An area in the chute connecting Sturgeon Bay and the Mississippi River at New Boston, Illinois.~~
 - 9) ~~An area near the boat ramp and floating gas station at the end of Route 17 at New Boston.~~
 - 10) ~~An area at Shokohon, Illinois.~~
 - 11) ~~An area in the fish preserve lock and dam 19 at Hamilton, Illinois.~~
 - 12) ~~The public launching area 3 miles north above the dam at Hamilton.~~
 - 13) ~~An area 6 1/2 miles north of Hamilton--Illinois.~~
 - 14) ~~The waters of Harris Slough Mississippi River backwaters at the Galena Boat Club, 3 miles south of Galena, Illinois.~~
 - 15) ~~The waters encompassing the cut starting at the mouth of the cut on Deadman's Slough, then northward approximately 250 feet to the confluence of the Harris and Keough Sloughs.~~
 - 16) ~~The backwater section of the Mississippi River (river mile marker 479.8) that starts at the Harbor opening of Potter's Lake, Sunset Park, Rock Island and covers the entire lake area.~~
 - 17) ~~The area of Cattail Slough off the Mississippi River, located south of Fulton, Whiteside County, 7 1/2 miles in length, 150 yards wide, starting on the north at the Chicago and Northwestern R.R. bridge and extending south 7/10 of a mile to the first narrows.~~
 - 18) ~~The waters of the south entrance to Chandler Slough lying upstream from the north boundary of the U.S. Fish and Wildlife Service property up to and including the Bent Prop Marina harbor area.~~
 - 19) ~~The waters of Frontress Lake lying upstream from the boat ramp at Charles Boat Dock, including the adjacent sand pit harbor area.~~
 - 20) ~~An area of the Mississippi River in the vicinity of the Lazy River Marina at Savanna, Illinois, extending from the upper limit~~

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of the dredge cut at Miller's Lake to a point north of the Miller's Hollow public launching ramp.

21) An area located at the Albany-Marina-Albany-Township--Whiteside County.

22) An area located at the Fulton-Sandbar--in--Fulton-Township Whiteside County.

e) The following waters of Region I shall be designated as restricted waters as described below:

1) NO BOATS

A) The swimming area at Martin Park, Loves Park, Illinois.

B) The swimming area at Albany Beach located in Albany Township.

C) The swimming area at the Santa Fe Island bar, approximately 4 miles north of Savanna.

D) The head of Big Island and 1 1/2 miles north of Oquawka, Illinois.

E) The Boy Scout Camp located on Lake Cooper, Mississippi River.

F) The swimming area located at Mississippi River-Mile-Marker 5087 at the East-Bubuque-Sand-Bar--East-Bubuque--Illinois.

G) The waters of the four chutes of Argyle Lake, approximately 2 miles north of Colchester, Illinois.

H) The water 600 feet above and 150 feet below dams 12, 13, 14, 15, 16, 17 and 18 on the Mississippi River.

2) NO SKI - It shall be unlawful to water ski in the following designated waters:

That area of the inside cut of the Mississippi River, opening directly into Frontrees Lake, includes the area from the north to the south entrances from the river slough, inclusive, east of Mile Post 576.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 2030.30 Region II - Designated Restricted Boating Areas

a) The following portions of the Calumet and Little Calumet Rivers waters located in Region II shall be designated as Slow, No Wake areas:

1) On the waters of the Little Calumet River in an area around the Forest Preserve Launching Ramp at 31st Street and Ashland Avenue, Blue Island, Illinois, extending 150 feet from the launching ramp. An area from the O'Brien Locks to the Michigan Central Railroad Bridge (approximately mile 326.5 to 325.3).

2) An area around the Bay-Hill-Marina-Wilmington--Illinois (approximately mile 273.7) extending 150 feet out into the river and 300 feet both upstream and downstream from the center of the Marina. An area around the Pier 11 Marina and the Lake Calumet Boat and Gun Club (approximately mile 323.2 to 323.1).

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3) On the Des-Plaines-River in an area around the Three-Rivers-Yacht Club-Wilmington--Illinois (approximately mile 273.7) extending 150 feet from the harbor entrance. An area around the Maryland Manor Boat Club, Skipper's Marina, and Renner Marina (approximately mile 323.0 to 322.5).

4) On the Kankakee River in an area around the launching ramp at Des-Plaines-Conservation-Arcey extending 150 feet from the launching ramp. An area around Triplex Marina (approximately mile 319.9 to 319.8).

5) On the Illinois River in an area around the launching ramp at Wm. G. Stratton Access Area (approximately mile 263.5) extending 150 feet from the launching ramp.

b) It shall be unlawful to operate any watercraft with a motor larger than 10 1/2 horsepower on the waters of Grissold Lake in McHenry County. The following portions of the Des-Plaines River are designated as Slow, No Wake areas:

1) An area around the Bay Hill Marina, Wilmington, Illinois (approximately mile 273.7), extending 150 feet out into the river and 300 feet both upstream and downstream from the center of the Marina.

2) An area around the Three Rivers Yacht Club, Wilmington, Illinois (approximately mile 273.7), extending 150 feet from the harbor entrance.

c) The following portion of the Fox River is designated as a Slow, No Wake area:

An area within 150 feet upstream and downstream of the I-90 bridge.

d) The following portions of Lake Michigan are designated as No Boat areas:

1) An area at North Point Marina, located off the northern breakwater, running 200 yards parallel to the shoreline and 100 yards out into the lake.

2) An area at Illinois Beach State Park, located between the park office and the #3 bathhouse, running parallel to the shoreline and 70 yards out into the lake.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 2030.40 Region III - Designated Restricted Boating Areas

The following areas are designated as Slow, No Wake areas:

a) These portions posted areas of Lake Decatur listed below, Decatur, Illinois.

Big-Creek-Area
Rena's-Bridge-Area
Sand-Creek-Area
Vest's-Banding-Area

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- b) Posted areas of East and West Lakes, north of Paris, Illinois.
- c) Posted areas of Lake Vermilion, Danville, Illinois.
- d) Posted areas of Waterworks Lake, Little Vermilion River, Georgetown, Illinois.
- e) Posted areas of Lake Shelbyville.
- f) Posted areas of Lake Mattoon in Cumberland, Coles and Shelby Counties.
- g) Posted areas of Charleston Side Channel Lake, Charleston, Illinois.
- h) Posted areas of Mill Creek Lake, Clark County Park District, Clarksville, Illinois.
- i) Posted areas of Clinton Lake, Clinton, Illinois.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 2030.50 Region IV - Designated Restricted Boating Areas

- a) The following portions of the Illinois River are designated as Slow, No Wake areas:
- 1) in-the-area-designated-on-the-west-side-of-Diamond-Island-in-the waters-known-as-Bark-Chute;
 - 2) the-designated-portion-of-the-river-in-the-vicinity-of-the Boat-in-at-Naples-Illinois;
 - 3) The designated area in the vicinity of the boat launching ramp at Havana, Illinois.
 - 4) The mouth of Patterson Bay.
 - 5) The waters of Bath Chute at head of Island, at the foot of Island, above the town of Bath, Illinois, and below the town of Bath, Illinois.
 - 6) Designated areas of Putnam Lake in Calhoun County.
 - 7) Designated areas of Silver Lake in Calhoun County.

- b) The following portion of the Mississippi River is designated as No Boats:

The water 600 feet above and 150 feet below dams 19, 20, 21 and 22 on the Mississippi River.

- c) The following portions of Quincy Bay in Adams County are designated as Slow, No Wake Areas:
- 1) Designated area at the entrance to Broad Lake.
 - 2) Designated area at the "River Channel Cut-Through."
 - 3) Quincy Bay Harbor area from the Railroad Bridge south to the southern tip of Quinsippi Island.
- d) Piase Creek in Jersey County from its mouth at the Mississippi River upstream to Illinois Route 100 bridge.
- e) Otter Creek in Jersey County from its mouth at the Mississippi Illinois River upstream to Illinois Route 100 bridge.
- f) The following portions of Sangchris Lake in Christian County---the buoyed--area--of-the-coves-containing-the-east-and-west-boat-launches--are designated as No Boat areas:
- 1) The power plant intake arm beyond the buoy line.

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- 2) The power plant discharge arm beyond the buoy line.
 - 3) The designated South Waterfowl Refuge or Rest Area.
 - 4) The designated North Waterfowl Refuge or Rest Area.
- g) Macoupin Creek from its mouth at the Illinois River upstream to Reddish Ford bridge.
- h) The following portions of Coffeen Lake in Montgomery County---the buoyed-areas-surrounding-all-boat-launches--are designated as No Boats and No Fishing areas:

- 1) The power plant intake arm beyond the buoy line.
- 2) The power plant discharge arm beyond the buoy line.
- 3) The buoyed area of the spillway.

- i) The following portions of the Kaskaskia River are designated as Slow, No Wake Areas:

- 1) All backwaters and/or side channels below Fayetteville, Illinois.
- 2) All waters between the Illinois Route 3 Bridge and the Northern boundary of the public boat ramp in Evansville, Illinois.
- 3) All waters between the ICG Railroad Bridge and the entrance to the public boat launching ramp known as "Baldwin Ramp."
- 4) River Mile 24 to 25.
- 5) 100 yards upstream and 100 yards downstream from the Kaskaskia River Lock and Dam.
- 6) 100 yards upstream and 100 yards downstream from the New Athens boat launching ramp.

- j) The following portion of the Mississippi River is designated as a Slow, No Wake area:

An area 6 1/2 miles north of Hamilton, Illinois.

- k) Those portions of Carlyle Lake, as posted, are designated No Entry, No Boats, No Fishing, or otherwise restricted areas.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 2030.60 Region V - Designated Restricted Boating Areas (Repealed)

That--portion--of--Big--Grand-Pierre-Creek-in-Pope-County--from-its-mouth-at-the Ohio-River-to-a-point-one-half-mile-upstream-is-designated-Slow, No--Wake--from January-1-through-August-31-

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 2030.70 Riverboat Gambling Casinos - Designated Restricted Boating Areas

It shall be unlawful to operate any watercraft at greater than a No Wake speed within 150 feet of any moored, licensed Riverboat Gambling Casino on the waters of this State.

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(Source: Added at 19 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Annual Testing Fees For Analytical Services
- 2) Code Citation: 35 Ill. Adm. Code 691
- 3) Section Numbers: Proposed Action:
- | | |
|----------------|-------------|
| 691.102 | Amend |
| 691.103 | Amend |
| 691.104 | Amend |
| 691.105 | Amend |
| 691.106 | Amend |
| 691.201 | Amend |
| 691.202 | Repeal |
| 691.203 | Amend |
| 691.301 | Amend |
| 691.303 | Amend |
| 691.304 | Amend |
| 691.305 | Amend |
| 691.306 | Amend |
| 691.401 | New Section |
| 691.403 | New Section |
| 691.Appendix A | Repeal |

- 4) Statutory Authority: Implementing and authorized by Section 17.7 of the Illinois Environmental Protection Act [415 ILCS 5/17.7] as added by P.A. 86-670, effective January 1, 1990 and as amended by Public Act 88-488, effective September 10, 1993.
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking proposes amendments to the Testing Fees for Analytical Services rules. These rules establish procedures for the determination and the collection of fees from community water supplies ("CWS") for analytical services to show compliance with the drinking water regulations established pursuant to the federal Safe Drinking Water Act (42 U.S.C. 300f (1991)) and the Illinois Environmental Protection Act ("Act") [415 ILCS 5]. The proposed amendments to these rules reflect the changes resulting from the enactment of Public Act 88-488, effective September 10, 1993. In accordance with Section 17.7(e) of the Act [415 ILCS 5/17.7(e)], the Agency has submitted these amendments to the Community Water Testing Council ("Council") for review prior to submission of these rules for rulemaking and the Council voted its concurrence with these amendments on December 7, 1994.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by

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reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a mandate under Section 3 of the State Mandates Act [930 ILCS 805/3].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Stephen C. Ewart, Deputy Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
2200 Churchill Road, P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 25, 1995

B) Types of small businesses affected: The proposed amendments provide an updated fee-based voluntary program for analytical services to municipalities, small businesses, and other entities that furnish drinking water to the public as CWSs.

C) Reporting, bookkeeping or other procedures required for compliance: A CWS must submit samples and maintain records in the same fashion as required by the sampling, analytical, and recordkeeping requirements established for each CWS by State and federal regulations pursuant to the federal Safe Drinking Water Act (42 U.S.C. 300f (1991)).

D) Types of professional skills necessary for compliance: The proposed amendments require same sampling and recordkeeping skills that are required by the existing rules.

13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas. This proposed rulemaking was included in the last regulatory agenda that was published in the Illinois Register on January 6, 1995 (19 Ill. Reg. 90).

The full text of the Proposed Rule begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 691

ANNUAL TESTING FEES FOR ANALYTICAL SERVICES

SUBPART A: GENERAL

| Section | Purpose and Applicability |
|---------|---|
| 691.101 | Definitions |
| 691.102 | Payment of Annual the Testing Fee Required Prior to Laboratory Testing by the Agency |
| 691.103 | Analytical Service Period |
| 691.104 | Reduced Participation in the Annual Testing Fee Program |
| 691.105 | Relation to Other Fee Systems |
| 691.106 | Severability |
| 691.107 | |

SUBPART B: PROCEDURES FOR ESTABLISHING ~~ANNUAL~~ TESTING FEES

| Section | |
|---------|---|
| 691.201 | Annual Testing Fee For Calendar Year 1990 |
| 691.202 | Annual Testing Fee After Calendar Year 1990 (Repealed) |
| 691.203 | Determining the Number of Service Connections |

SUBPART C: PROCEDURES FOR BILLING AND COLLECTING ~~ANNUAL~~ THE TESTING FEES

| Section | |
|---------|--|
| 691.301 | Billing Statements |
| 691.302 | Due Date of Payment |
| 691.303 | Form of Payment |
| 691.304 | Prohibition Against Refund |
| 691.305 | Overpayment or Underpayment of Annual Testing Fee |
| 691.306 | Audit and Access to Records |

SUBPART D: DISPUTE RESOLUTION PROCEDURES

| Section | |
|---------|---|
| 691.401 | Council's Non-Concurrence With the Agency Fee Determination |
| 691.403 | Dispute Resolution of Testing Fee Issues Between the Agency and the Council |

APPENDIX A Agreement for Reduced Participation in Sample Analysis (Repealed)

Council's Non-Concurrence With the Agency Fee Determination
Dispute Resolution of Testing Fee Issues Between the Agency and the Council

Agreement for Reduced Participation in Sample Analysis
(Repealed)

AUTHORITY: Implementing and authorized by Section 17.7 of the Environmental Protection Act [415 ILCS 5/17.7] (see Public Act 88-488, effective September

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10, 1993).

SOURCE: Adopted at 14 Ill. Reg. 2045, effective January 18, 1990; amended at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 691.102 Definitions

- a) Unless specified otherwise, all terms shall have the meaning set forth in the Act.
- b) For purposes of this Part, the following definitions apply:

"Act" means the Environmental Protection Act (~~111-Rev-Stat-1987 ch-111-1/2-pars-1801-et-seq~~) [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Annual testing fee" or "fee" means the amount due from the community water supply for analytical services as prescribed by Section 17.7 of the Act.

"Board" means the Illinois Pollution Control Board.

"Certified laboratory" means any laboratory approved by the Agency pursuant to 35 Ill. Adm. Code 183, or other department or agency of State government if such authority is delegated for the specific parameters to be examined, pursuant to Section 4(n) or (o) of the Act.

"Community water supply" or "supply" means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents. (Section 3.05 of the Act)

"Council" means the Community Water Supply Testing Council established by Section 17.7(g) of the Act.

"Laboratory testing" means the analysis of drinking water by the Agency required under ~~Section 4(p) of the Act; other than analytical work described in Section 691-183(b)(4) or (2)~~ 35 Ill. Adm. Code Subtitle F and regulations established under the federal Safe Drinking Water Act (42 U.S.C. 300 f).

"Parent community water supply" or "Parent supply" is a community water supply that uses or sells potable water derived from its own sources or receives only a portion of its potable water from other potable water sources.

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"Public water supply" or "PWS" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures. Intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply". (Section 3.28 of the Act)

"Purchase community water supply" or "Purchase supply" is a community water supply that purchases or receives its potable water entirely from another potable water source.

"Service connection" means the opening, including all fittings and appurtenances at the water main through which water is supplied to the user.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 691.103 Payment of Annual the Testing Fee Required Prior to Laboratory Testing by the Agency

- a) Community water supplies must pay all annual testing fees due under this Part prior to the initiation of any laboratory testing by the Agency.
- b) Unless all fees due from a community water supply under this Part have been paid to the Agency, the Agency shall have the duty under Section 4(p) of the Act to analyze samples from such community water supply only for:
 - 1) Up to six total coliform samples per sampling period as required under Section 4(p) of the Act; and
 - 2) Contaminants for which a maximum allowable concentration in finished drinking water has been established by Board regulation in 35 Ill. Adm. Code: Subtitle F prior to January 1, 1988.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 691.104 Analytical Service Period

- a) Except as provided otherwise in subsection (b), upon payment of the annual testing fee by a community water supply in accordance with this Part, the Agency shall perform laboratory testing commencing no later than July 1 of the year in which payment is received by the Agency, and ending on the following June 30.

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- b) For a new community water supply that receives a billing statement after the Agency's annual billing cycle, the Agency shall perform laboratory testing for a period of time which shall commence on the first day of the first calendar quarter after fee payment is received by the Agency, and shall end on the following June 30.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 691.105 Reduced Participation in the Annual Testing Fee Program

- a) Except as provided otherwise in subsection (b), an annual testing fee shall be due from each community water supply.
- b) No annual testing fee shall be due from any community water supply that both: 1) Signs and returns to the Agency the Agreement set forth in Appendix A; notifies the Agency in writing within 45 days after issuance of the billing statement to the community water supply of its decision not to participate in the testing fee program; and 2) Submits no samples to the Agency for analytical testing during the analytical service period--for which the signed Agreement submitted pursuant to subsection (b)(1)--applies--other than samples--for the analyses described in Section 691.103(b).
- c) If no annual testing fee is due received from a community water supply pursuant to subsection (b), the Agency shall not perform any laboratory testing for the supply during the analytical service period unless revenues from other sources are provided for which the signed Agreement submitted under subsection (b)(1) applies--other than the testing described in Section 691.103(b).

- d) The Agency with the concurrence of the Council shall establish testing fees pursuant to Section 17.7 of the Act for community water supplies which shall consider but not be limited to the following criteria:

- 1) number of service connections of the community water supply;
- 2) maximum and minimum testing fees for all community water supplies;
- 3) single or multiple payment plans for the annual or multi-year testing fee; or
- 4) testing requirement differences among community water supplies based on considerations including but not limited to the following:
 - A) the potable water is derived from a groundwater or surface water source;
 - B) the community water supply is a parent or purchase supply; or
 - C) the differences in required analytical services.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 691.106 Relation to Other Fee Systems

Payment of fees under this Part shall not include any fees due to the Agency for any purpose other than the annual testing fees.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART B: PROCEDURES FOR ESTABLISHING ANNUAL TESTING FEES

Section 691.201 Annual Testing Fee For Calendar Year-1990

~~For calendar year-1990, the fee--from each community water supply--shall be determined by multiplying \$0.75 by the number of service connections--subject to a minimum fee of \$90 and a maximum fee of \$2,500--(Section 17.7(a) of the Act)~~

- a) The Agency shall collect an annual nonrefundable testing fee from each community water supply for participating in the laboratory fee program for analytical services to determine compliance with contaminant levels specified in State or Federal drinking water regulations. A community water supply may commit to participation in the laboratory fee program. If the community water supply makes such a commitment, it shall commit for a period consistent with the participation requirements established by the Agency and the Community Water Supply Testing Council (Council). If a community water supply elects not to participate, it must annually notify the Agency in writing of its decision not to participate in the laboratory fee program.

- b) The Agency, with the concurrence of the Council, shall determine the fee for participating in the laboratory fee program for analytical services. The Agency, with the concurrence of the Council, may establish multi-year participation requirements for community water supplies and establish fees accordingly. The Agency shall base its annual fee determination upon the actual and anticipated costs for testing under State and Federal drinking water regulations and the associated administrative costs of the Agency and the Council. By October 1 of each year, the Agency shall submit its fee determination and supporting documentation for the forthcoming year to the Council. Before the following January 1, the Council shall hold at least one regular meeting to consider the Agency's determination. If the Council concurs with the Agency's determination, it shall thereupon take effect. The Agency and the Council may establish procedures for resolution of disputes in the event the Council does not concur with the Agency's fee determination.

- c) Community water supplies that choose not to participate in the laboratory fee program or do not pay the fees shall have the duty to analyze all drinking water samples as required by State or Federal safe drinking water regulations established after the Federal Safe

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Drinking Water Act Amendments of 1986. (Section 17.7 of the Act)

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 691.202 Annual Testing Fee After Calendar Year 1990 (Repealed)

a) The annual fees for calendar years after 1990 shall be determined by the Agency in accordance with this Section, and shall be within the following ranges:

- 1) The basic testing fee shall be at least \$0.65 and not more than \$0.95 per service connection;
- 2) The minimum fee per community water supply shall be at least \$75 and not more than \$100; and
- 3) The maximum fee per community water supply shall be at least \$200 and not more than \$300.

b) The Agency shall base its annual fee determination upon the actual and anticipated costs of the additional testing provided for under the Federal Safe Drinking Water Act amendments of 1986 and the associated administrative costs of the Agency and the Community Water Supply Testing Council;

c) For each calendar year, the Agency shall submit its fee determination and supporting documentation to the Council by the preceding October 1, and the Council shall hold at least one regular meeting to consider the Agency's determination prior to January 1;

d) If the Council concurs with the Agency's determination, it shall thereupon take effect;

e) If the Council does not concur with an Agency fee determination by January 1 of the calendar year in which the fee was intended to be applicable, the prior year's fees shall remain in effect for one additional year. During this additional year, the Director and the Chairman shall make every reasonable effort to resolve any outstanding concerns. Failure to resolve such concerns by January 1 of the following year shall result in the Agency having the duty under subsection (f) of Section 4 of the Act to analyze samples from community water supplies only for total coliform and contaminants for which a maximum allowable concentration in finished water was established by Board regulation prior to January 1, 1988.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 691.203 Determining the Number of Service Connections

a) In determining the number of service connections for purposes of calculating determining the annual testing fee under Sections 691.201 or 691.202, the community water supply shall include only those service connections for which the community water supply is:

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- 1) Directly metering or collecting revenue; or
 - 2) Otherwise providing delivery of potable water.
- b) When finished water is sold to another community water supply, the selling community water supply shall not include the service connections of the purchasing community water supply for purposes of calculating the annual testing fee under Sections 691.201 or 691.202. The purchasing community water supply shall include its service connections for purposes of calculating the annual testing fee under Sections 691.201 or 691.202.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART C: PROCEDURES FOR BILLING AND COLLECTING ANNUAL TESTING FEES

Section 691.301 Billing Statements

Commencing in 1990, the Agency shall send a billing statement for the annual testing fee to each community water supply in January of each calendar year.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 691.303 Form of Payment

a) Payment must be by check or money order payable to "Treasurer, State of Illinois" and shall be accompanied by the name of the community water supply and the facility identification number assigned by the Agency's Division of Public Water Supplies.

b) Payment and all supporting documentation must be mailed together in a single package to:

Illinois Environmental Protection Agency
Data Entry and Cash Receipts Unit
Fiscal Services Section
2200 Church Hill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

c) Payment shall not include any fees due to the Agency for any purpose other than the annual testing fee.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 691.304 Prohibition Against Refund

Any annual testing fee remitted to the Agency shall not be refunded at any time

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or for any reason, either in whole or in part.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 691.305 Overpayment or Underpayment of Annual Testing Fee

a) If the amount remitted is more than the amount due under this part, the community water supply's account shall be credited by the amount of the overpayment.

b) If the amount remitted is less than the amount due under this part, the community water supply will be billed for the balance due.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 691.306 Audit and Access to Records

a) Each community water supply for which an annual testing fee is required under this part shall preserve and maintain all records relating to the number of service connections used in calculating the fee for at least 5 years after the close of the analytical service period.

b) The records described in subsection (a) shall be available to the Agency or its authorized representative for examination during normal business hours.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART D: DISPUTE RESOLUTION PROCEDURES**Section 691.401 Council's Non-Concurrence With the Agency Fee Determination**

If the Council does not concur with the Agency fee determination by January 1 of the calendar year in which the testing fee was intended to be effective or if the Agency and the Council do not agree on any other issue related to the testing fee program by January 1 of the same calendar year, the Agency and the Council shall make every effort to resolve the dispute in question within the time frame established in Section 691.403 below.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 691.403 Dispute Resolution of Testing Fee Issues Between the Agency and the Council

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a) Where the Agency and the Council cannot agree on issues related to the testing fee program, the Council shall initiate procedures for an external audit of the testing fee program.

b) The results of the external audit including the recommendation shall serve as the basis for the Agency and the Council deliberations regarding the testing fee in dispute.

c) If the conclusions of the external audit will not be completed by January 1 of the calendar year in which the testing fee was intended to take effect, the Agency shall issue billing statements to community water supplies in amounts that are derived from the Agency fee determination.

d) If the Agency and the Council deliberations conclude that, based upon the external audit, the testing fee should be different from the Agency fee determination amount, the Agency shall make the necessary adjustments in the subsequent fiscal year's Agency fee determination amount.

(Source: Added at 19 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT(S)

Section 691.APPENDIX A Agreement for Reduced Participation in Sample Analysis
(Repealed)

AGREEMENT TO PROVIDE FOR REDUCED PARTICIPATION IN SAMPLE ANALYSIS

FACILITY # FOR SAMPLING FROM -----7-19--7--THROUGH JUNE-30-7-19--*

NAME

ADDRESS

Pursuant to Section 17-7 of the Environmental Protection Act (111 Rev. Stat. 1987, Ch. 111, 1/2, par. 1017.7) as added by P.A. 86-6407 effective January 17, 1990, the above referenced community water supply elects not to have the Illinois Environmental Protection Agency analyze drinking water for contaminants other than total coliform and contaminants for which a maximum allowable concentration in finished water was established by Board regulation prior to January 17, 1988.

It is understood that all laboratory analyses must be carried out by a laboratory which has been certified by the Agency, and that all test results must be forwarded to the Agency in accordance with 35 Ill. Adm. Code, Subtitle F.

It is further understood that failure by the community water supply to perform laboratory analyses will result in enforcement action by the Agency.

It is further understood that the Agency will continue to perform laboratory analyses only for up to six total coliform samples and for contaminants for which a maximum allowable concentration in finished water has been established by Board regulation prior to January 17, 1988.

It is further understood that this Agreement will expire on June 30, 19--7--and that this Agreement is irrevocable.

Owner or Official Custodian ----- Date
P-----

The Agency will enter the correct year for the annual analytical service period as described in Section 691.4047.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Hazardous Waste Injection Restrictions

2) Code Citation: 35 Ill. Adm. Code 738

3) Section numbers:
738.117
Proposed Action:
Amended

4) Statutory Authority: 415 ILCS 5/13, 22.4 and 27

5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of March 2, 1995, in R95-4 and R95-6 (consolidated), which opinion is available from the address below. Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) & 22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates Parts 700, 702, 703, 705, 720, 721, 722, 723, 724, 725, 726, 728, 730, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste and underground injection control (UIC) rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994. During this period, U.S. EPA amended its regulations as follows:

Federal Action Summary

59 Fed. Reg. 38536, Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry
July 28, 1994

59 Fed. Reg. 43496, Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) that are used in a manner constituting disposal
August 24, 1994

59 Fed. Reg. 47980, Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of September 19, 1994
August 31, 1993, at 58 Fed. Reg. 46040

POLLUTION CONTROL BOARD

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NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

59 Fed. Reg. 47982, September 19, 1994 Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)

6) Will this proposed rule replace an emergency rule currently in effect? No
 7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

59 Fed. Reg. 62896, December 6, 1994 Organic material air emission standards for tanks, surface impoundments, and containers

9) Are there any other amendments pending on this Part? No

In addition to these principal amendments that occurred during the update period, the Board has included an additional, later action:

60 Fed. Reg. 242, January 3, 1995 Corrections to the Phase II land disposal restrictions (universal treatment standards)

10) Statement of statewide policy objectives: This rulemaking is mandated by Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) & 22.4(a)]. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste or they engage in underground injection of waste.

This January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

1) The January 3, 1995 amendments are corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;

2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and

3) The Board has received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the later amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket.

In addition to the federally-derived amendments, the Board used this opportunity to undertake a number of housekeeping and corrective amendments. We have effected the removal of all cross-references for effective dates and repealed Part 700. We have converted equations and formulae to the standard scientific format. We have tried to improve the language and structure of various provisions, including correcting grammar, punctuation, and spelling where necessary.

Specifically, the segment of the amendments involved in Part 738 incorporate the UIC-related aspects of the newly-listed hazardous waste (wastes listed by U.S. EPA since 1984) land disposal restrictions of the September 19, 1994 federal Phase II LDRs.

Ms. Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board
 State of Illinois Center, Suite 11-500
 100 W. Randolph St.
 Chicago, IL 60601
 (312) 814-6931

Address all questions to Michael J. McCambridge, at (312) 814-6924.

12) Initial regulatory flexibility analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 6, 1995.

B) Types of small businesses affected: The existing rules and proposed amendments affect small businesses that generate, transport, treat, store, or dispose of hazardous waste or engage in underground injection of waste.

C) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

D) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

services of an attorney, certified public accountant, chemist, and registered professional engineer.

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND
UNDERGROUND STORAGE TANK PROGRAMS

PART 738

HAZARDOUS WASTE INJECTION RESTRICTIONS

SUBPART A: GENERAL

Section
738.101 Purpose, Scope and Applicability
738.102 Definitions
738.103 Dilution Prohibited as a Substitute for Treatment
738.104 Case-by-Case Extensions of an Effective Date
738.105 Waste Analysis

SUBPART B: PROHIBITIONS ON INJECTION

Section
738.110 Waste Specific Prohibitions - Solvent Wastes
738.111 Waste Specific Prohibitions - Dioxin - Containing Wastes
738.112 Waste Specific Prohibitions - California List Wastes
738.114 Waste Specific Prohibitions - First Third Wastes
738.115 Waste Specific Prohibitions - Second Third Wastes
738.116 Waste Specific Prohibitions - Third Third Wastes
738.117 Waste Specific Prohibitions - Newly-Listed Wastes

SUBPART C: PETITION STANDARDS AND PROCEDURES

Section
738.120 Petitions to Allow Injection of a Prohibited Waste
738.121 Required Information to Support Petitions
738.122 Submission, Review and Approval or Denial of Petitions
738.123 Review of Adjusted Standards
738.124 Termination of Adjusted Standards

AUTHORITY: Implementing Section 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].

SOURCE: Adopted in R89-2 at 14 Ill. Reg. 3059, effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11948, effective July 9, 1990; amended in R90-14 at 15 Ill. Reg. 11425, effective July 24, 1991; amended in R92-13 at 17 Ill. Reg. 6190, effective April 5, 1993; amended in R93-6 at 17 Ill. Reg. 15641, effective September 14, 1993; amended in R95-6 at 19 Ill. Reg. _____, effective _____.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART B: PROHIBITIONS ON INJECTION

Section 738.117 Waste Specific Prohibitions - Newly-Listed Wastes

- a) The wastes specified in 35 Ill. Adm. Code 721.Subpart D by the following U.S. EPA ~~Hazardous~~ hazardous waste numbers are prohibited from underground injection:

F037
F038
K107
K108
K109
K110
K111
K112
K117
K118
K123
K124
K125
K126
K131
K136
U328
U353
U359

- b) The wastes specified in 35 Ill. Adm. Code 721.Subpart D by the following U.S. EPA hazardous waste numbers are prohibited from underground injection:

K141
K142
K143
K144
K145
K147
K148
K149
K150
K151

- c) Effective September 19, 1995, the wastes specified in 35 Ill. Adm. Code 721.Subpart C by the following U.S. EPA hazardous waste numbers are prohibited from underground injection:

D001 (high TOC subcategory, as specified at 35 Ill. Adm. Code 728.140)

D012
D013
D014
D015

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

D016

D017

- b) Effective June 30, 1995, the wastes specified in 35 Ill. Adm. Code 721.Subpart D by the following U.S. EPA ~~Hazardous~~ hazardous waste numbers are prohibited from underground injection:

K117
K118
K131
K132

- c) The requirements of subsections (a) and (b) above do not apply:

- 1) If the wastes meet or are treated to meet the applicable standards specified in 35 Ill. Adm. Code 728.Subpart D; or
- 2) If an adjusted standard has been granted in response to a petition under 738.Subpart C ~~of this Part~~; or
- 3) During the period of extension of the applicable effective date, if an extension is granted under Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.17, as added at 57 Fed. Reg. 37263 (Aug. 18, 1992).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Hazardous Waste Management System: General

2) Code Citation: 35 Ill. Adm. Code 720

3) Section numbers: Proposed Action:

720.111 Amended
720.121 Amended
720.130 Amended
720.131 Amended

4) Statutory Authority: 415 ILCS 5/22.4 and 27.

5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of March 2, 1995, in R95-4 and R95-6 (consolidated), which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates Parts 700, 702, 703, 705, 720, 721, 722, 723, 724, 725, 726, 728, 730, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste and underground injection control (UIC) rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994. During this period, U.S. EPA amended its regulations as follows:

Federal ActionSummary

59 Fed. Reg. 38536, Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry
July 28, 1994

59 Fed. Reg. 43496, Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) that are used in a manner constituting disposal
August 24, 1994

59 Fed. Reg. 47980, Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040
September 19, 1994

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

59 Fed. Reg. 47982, Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)
September 19, 1994

59 Fed. Reg. 62896, Organic material air emission standards for tanks, surface impoundments, and containers
December 6, 1994

In addition to these principal amendments that occurred during the update period, the Board has included an additional, later action:

60 Fed. Reg. 242, Corrections to the Phase II land disposal January 3, 1995 restrictions (universal treatment standards)

This January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

- 1) The January 3, 1995 amendments are corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;
- 2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and
- 3) The Board has received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the later amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket.

In addition to the federally-derived amendments, the Board used this opportunity to undertake a number of housekeeping and corrective amendments. We have effected the removal of all cross-references for effective dates and repealed Part 700. We have converted equations and formulae to the standard scientific format. We have tried to improve the language and structure of various provision, including correcting grammar, punctuation, and spelling where necessary.

Specifically, the segment of the amendments involved in Part 720 update incorporates by reference to reflect new and revised methods required by U.S. EPA as part of the December 6, 1994 air emissions requirements. Other amendments to Part 720 incorporate certain revisions made by U.S. EPA as part of the September 19, 1994 Phase II LDR amendments. These

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

latter amendments relate to the removal of the "primary production process" limitation to the conditions under which a variance is available from the classification as a solid waste for materials that are recycled or accumulated speculatively.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference?

Yes. Section 720.111 is the central listing of all documents incorporated by reference throughout the text of 35 Ill. Adm. Code 702 through 705, 721 through 726, 728, 730, 738, and 739. The present amendments update existing and incorporate new incorporations to reflect changes in methods and procedures required by U.S. EPA.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)]. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste or they engage in underground injection of waste.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R95-4/R95-6 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
(312) 814-6931

Address all questions to Michael J. McCambridge, at 312-814-6924.

12) Initial regulatory flexibility analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 6, 1995.

B) Types of small businesses affected: The existing rules and proposed amendments affect small businesses that generate, transport, treat,

POLLUTION CONTROL BOARD

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store, or dispose of hazardous waste or engage in underground injection of waste.

C) Reporting, bookkeeping or other procedures required for compliance:
The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

D) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section

720.101 Purpose, Scope and Applicability
 720.102 Availability of Information; Confidentiality of Information
 720.103 Use of Number and Gender

SUBPART B: DEFINITIONS

Section

720.110 Definitions
 720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section

720.120 Rulemaking
 720.121 Alternative Equivalent Testing Methods
 720.122 Waste Delisting
 720.130 Procedures for Solid Waste Determinations
 720.131 Solid Waste Determinations
 720.132 Boiler Determinations
 720.133 Procedures for Determinations
 720.140 Additional regulation of certain hazardous waste Recycling Activities on a case-by-case Basis
 720.141 Procedures for case-by-case regulation of hazardous waste Recycling Activities

APPENDIX A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at

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11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 23, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS

Section 720.111 References

a) The following publications are incorporated by reference:

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September, 1983.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", API Recommended Practice 1632, Second Edition, December, 1987.

"Evaporative Loss from External Floating-Roof Tanks", API Publication 2517, Third Edition, February, 1989.

"Guide for Inspection of Refinery Equipment, Chapter XIII,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981, reaffirmed December, 1987.

"Cathodic-Protection-of-Underground-Petroleum-Storage--Tanks and--Piping--Systems,"--API--Recommended-Practice--1632--Second Edition--December--1987.

"Installation of Underground Petroleum Storage Systems," API Recommended Practice 1615, Fourth Edition, November, 1987.

APTI. Available from the Air and Waste Management Association, Box 2861, Pittsburgh, PA 15230, 412-232-3444:

APTI Course 415: Control of Gaseous Emissions, EPA Publication EPA-450/2-81-005, December, 1981.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3 - 1987, as supplemented by B31.3a - 1988 and B31.3b - 1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4 - 1986, as supplemented by B31.4a - 1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 215-299-5400:

ASTM C94-90, Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

ASTM D88-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January, 1987.

ASTM D93-85, Standard Test Methods for Flash Point by Pensky - Martens Closed Tester, approved October 25, 1985.

ASTM D1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, approved March 30, 1990.

ASTM D2161-87, Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity, March 27, 1987.

POLLUTION CONTROL BOARD

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ASTM D2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D2879-86, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved October 31, 1986.

ASTM D 2879-92, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved 1992.

ASTM D3828-87, Standard Test Methods for Flash Point of Liquids by Setflash Closed Tester, approved December 14, 1988.

ASTM E168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

ASTM E926-88 C, Standard Test Methods for Preparing Refuse-Derived Fuel (RDF) Samples for Analysis of Metals, Bomb-Acid Digestion Method, approved March 35, 1988.

ASTM Method G21-70 (1984a) -- Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi

ASTM Method G22-76 (1984b) -- Standard Practice for Determining Resistance of Plastics to Bacteria.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983

POLLUTION CONTROL BOARD

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"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," U.S. EPA Publication number SW-846 (Third Edition, November, 1986), as amended by Updates I and IIA (Document Number 955-001-00000-1) (contact U.S. EPA, Office of Solid Waste, or MICE, as indicated below, for Update IIA).

MICE. Available from Methods Information Communication Service, at 703-821-4789:

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," U.S. EPA Publication number SW-846 (Third Edition, November, 1986), Update IIA (Document Number 955-001-00000-1) (contact GPO, as indicated above, for SW-846 and Update I).

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP0285-85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-487-4600:

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987. (Document number PB 88-170766.)

"Guidance on Air Quality Models", Revised 1986. (Document number PB86-245-248 (Guideline) and PB88-150-958 (Supplement)).

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677).

"Methods Manual for Compliance with BIF Regulations", December, 1990. (Document number PB91-120-006).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Petitions to Delist Hazardous Wastes--A Guidance Manual", EPA/530-SW-85-003, April, 1985. (Document Number PB 85-194488).

"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities", EPA-530/SW-611, 1977. (Document number PB 84-174820).

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", October, 1992, Publication Number EPA-450/R-92-019.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

U.S. EPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

U.S. EPA. Available from U.S. EPA, Office of Solid Waste (Mail Code 5304), 401 M Street SW, Washington, D.C. 20460:

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," U.S. EPA Publication number SW-846 (Third Edition, November, 1986), Update IIA (Document Number 955-001-00000-1) (contact GPO, as indicated above, for SW-846 and Update I).

U.S. EPA. Available from U.S. EPA, Number F-90-WPWF-PFFFF, Room M2427, 401 M Street SW, Washington, D.C. 20460, 202-475-9327:

"Test Method 8290: Procedures for the Detection and Measurement of PCDDs and PCDFs", EPA/530-SW-91-019 (January, 1991)

U.S. EPA Available from Receptor Analysis Branch, U.S. EPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October, 1992, Publication Number EPA-450/R-92-019.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

10 CFR 20, Appendix B (1992 1994)

40 CFR 51.100(ii) (1992 1994)

40 CFR 51, Subpart W--~~as added at 58 Fed. Reg. 30022 (July--307--1993 1994)~~

40 CFR 60 (1993) (1994), as amended at 59 Fed. Reg. 62924 (Dec. 6, 1994)

40 CFR 61, Subpart V (1993) (1994)

40 CFR 136 (1993) (1994)

40 CFR 142 (1993) (1994)

40 CFR 220 (1992) (1994)

40 CFR 260.20 (1992) (1994)

40 CFR 264 (1992) (1994)

40 CFR 268, Appendix IX (1992) (1994)

40 CFR 302.4, 302.5 and 302.6 (1992) (1994)

40 CFR 761 (1993) (1994)

49 CFR 178 (1994)

- c) Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended through December 31, 1987.

- d) This Section incorporates no later editions or amendments.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section 720.121 Alternative Equivalent Testing Methods

- a) The Agency has no authority to alter the universe of regulated wastes.

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Modification of testing methods which that are stated in Part 35 Ill. Adm. Code 721 requires rulemaking pursuant to Section 720.120. However, deviation from these methods is allowed under the express provisions of Part 35 Ill. Adm. Code 721, as for example in Section by 35 Ill. Adm. Code 721.120(c).

- b) The Agency may approve alternative equivalent testing methods to be for a particular person's used by a certain person use to determine whether specified types--of wastestreams are subject to these regulations. This shall be done by permit condition or by a letter directed to the person.

- c) The Board does not intend to require that either the testing methods specified in Part 35 Ill. Adm. Code 721 or the alternative equivalent testing methods approved by the Agency should need not be applied to identify or distinguish waste streams which that are known, admitted, or assumed to be subject to these regulations. In this case, any method may be used, subject to the Agency's authority over testing procedures (Section 725.133).

- d) Any petition to the Board or request to the Agency concerning alternative equivalent testing methods shall must include the information required by 40 CFR Section 260.21(b).

- e) Alternative equivalent testing methods will not be approved if the result of the approval would make the Illinois RCRA Subtitle C program less than substantially equivalent to the federal.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 720.130 Procedures for Solid Waste Determination

In accordance with the standards and criteria in Section 720.131 and the procedures in Section 720.133, the Board will determine on a case-by-case basis that the following recycled materials are not solid wastes:

- a) Materials that are accumulated speculatively without sufficient amounts being recycled (as defined in Section 721.101(c)(8))~~2~~;
b) Materials that are reclaimed and then reused within the original primary production process in which they were generated; and
c) Materials that have been reclaimed but must be reclaimed further before the materials are completely recovered.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 720.131 Solid Waste Determinations

- a) The Board will determine that those materials that are accumulated speculatively without sufficient amounts being recycled are not solid wastes if the applicant demonstrates that sufficient amounts of the material will be recycled or transferred for recycling in the

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following year. Such a determination is valid only for the following year, but can be renewed, on an annual basis, by filing a new application. This determination will be based on the following criteria:

- 1) The manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur (for example, because of past practice, market factors, the nature of the material or contractual arrangements for recycling);
 - 2) The reason that the applicant has accumulated the material for one or more years without recycling 75 percent of the volume accumulated at the beginning of the year;
 - 3) The quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;
 - 4) The extent to which the material is handled to minimize loss; and
 - 5) Other relevant factors.
- b) The Board will determine that those materials that are reclaimed and then reused as feedstock within the original primary production process in which the materials were generated are not solid wastes if the reclamation operation is an essential part of the production process. This determination will be based on the following criteria:
- 1) How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;
 - 2) The prevalence of the practice on an industry-wide basis;
 - 3) The extent to which the material is handled before reclamation to minimize loss;
 - 4) The time periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;
 - 5) The location of the reclamation operation in relation to the production process;
 - 6) Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;
 - 7) Whether the person who that generates the material also reclaims it; and
 - 8) Other relevant factors.
- c) The Board will determine that those materials that have been reclaimed but must be reclaimed further before recovery is completed are not solid wastes if, after initial reclamation, the resulting material is commodity-like (even though it is not yet a commercial product, and has to be reclaimed further). This determination will be based on the following criteria:
- 1) The degree of processing the material has undergone and the degree of further processing that is required;
 - 2) The value of the material after it has been reclaimed;

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- 3) The degree to which the reclaimed material is like an analogous raw material;
- 4) The extent to which an end market for the reclaimed material is guaranteed;
- 5) The extent to which the reclaimed material is handled to minimize loss; and
- 6) Other relevant factors.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Identification and Listing of Hazardous Waste2) Code citation: 35 Ill. Adm. Code 7213) Section numbers: Proposed Action:

721.102, 721.103, 721.104

721.106, 721.App. I, Tab. A

721.App. I, Tab. B, 721.App. I, Tab. C

721.App. I, Tab. D

4) Statutory authority: 415 ILCS 5/22.4 and 27.5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of March 2, 1995, in R95-4 and R95-6 (consolidated), which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates Parts 700, 702, 703, 705, 720, 721, 722, 723, 724, 725, 726, 728, 730, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste and underground injection control (UIC) rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994. During this period, U.S. EPA amended its regulations as follows:

Federal ActionSummary

59 Fed. Reg. 38536,
July 28, 1994
Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry

59 Fed. Reg. 43496,
August 24, 1994
Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) that are used in a manner constituting disposal

59 Fed. Reg. 47980,
September 19, 1994
Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040

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59 Fed. Reg. 47982,
September 19, 1994
Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)

59 Fed. Reg. 62896,
December 6, 1994
Organic material air emission standards for tanks, surface impoundments, and containers

In addition to these principal amendments that occurred during the update period, the Board has included an additional, later action:

60 Fed. Reg. 242,
January 3, 1995
Corrections to the Phase II land disposal restrictions (universal treatment standards)

This January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

- 1) The January 3, 1995 amendments are corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;
- 2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and
- 3) The Board has received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the later amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket.

In addition to the federally-derived amendments, the Board used this opportunity to undertake a number of housekeeping and corrective amendments. We have effected the removal of all cross-references for effective dates and repealed Part 700. We have converted equations and formulae to the standard scientific format. We have tried to improve the language and structure of various provision, including correcting grammar, punctuation, and spelling where necessary.

Specifically, the segment of the amendments involved in Part 721 incorporate various changes. First, the amendments incorporate certain revisions made by U.S. EPA as part of the September 19, 1994 Phase II LDR amendments. These amendments relate to the removal of the "primary production process" limitation to the conditions under which a variance is

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available from the classification as a solid waste for materials that are recycled or accumulated speculatively. Second, the amendments implement the July 28, 1994 revisions that exclude certain in-process recycled secondary materials used by the petroleum refining industry from the definition of solid waste. Finally, the amendments incorporate changes in Section 721.103(a)(2)(E) to reflect hazardous waste delistings (adjusted standards) granted by the Board since the last update.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference?

Yes. 35 Ill. Adm. Code 720.111 is the central listing of all documents incorporated by reference throughout the text of 35 Ill. Adm. Code 702 through 705, 721 through 726, 728, 730, 738, and 739. Although the present amendments do not update the documents incorporated by reference, they change one reference by removing the edition from the text of Section 721.103(a)(2)(E). That edition is given in the central incorporation at 35 Ill. Adm. Code 720.111, and removing it from Section 721.103(a)(2)(E) will facilitate any future amendment to this edition.

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of statewide policy objectives: This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)]. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste or they engage in underground injection of waste.

- 11) Time, place and manner in which interested persons may comment on this Proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R95-4/R95-6 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
(312) 814-6931

Address all questions to Michael J. McCambridge, at (312) 814-6924.

- 12) Initial regulatory flexibility analysis:

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- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 6, 1995.

- B) Types of small businesses affected: The existing rules and proposed amendments affect small businesses that generate, transport, treat, store, or dispose of hazardous waste or engage in underground injection of waste.

- C) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

- D) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721

IDENTIFICATION AND LISTING OF
HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

| | |
|---------|---|
| Section | |
| 721.101 | Purpose of Scope |
| 721.102 | Definition of Solid Waste |
| 721.103 | Definition of Hazardous Waste |
| 721.104 | Exclusions |
| 721.105 | Special Requirements for Hazardous Waste Generated by Small Quantity Generators |
| 721.106 | Requirements for Recyclable Materials |
| 721.107 | Residues of Hazardous Waste in Empty Containers |
| 721.108 | PCB Wastes Regulated under TSCA |

SUBPART B: CRITERIA FOR IDENTIFYING THE
CHARACTERISTICS OF HAZARDOUS WASTE
AND FOR LISTING HAZARDOUS WASTES

| | |
|---------|---|
| Section | |
| 721.110 | Criteria for Identifying the Characteristics of Hazardous Waste |
| 721.111 | Criteria for Listing Hazardous Waste |

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

| | |
|---------|--------------------------------|
| Section | |
| 721.120 | General |
| 721.121 | Characteristic of Ignitability |
| 721.122 | Characteristic of Corrosivity |
| 721.123 | Characteristic of Reactivity |
| 721.124 | Toxicity Characteristic |

SUBPART D: LISTS OF HAZARDOUS WASTE

| | |
|---------|--|
| Section | |
| 721.130 | General |
| 721.131 | Hazardous Wastes From Nonspecific Sources |
| 721.132 | Hazardous Waste From Specific Sources |
| 721.133 | Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof |
| 721.135 | Wood Preserving Wastes |

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| | |
|------------|--|
| APPENDIX A | Representative Sampling Methods |
| APPENDIX B | Method 1311 Toxicity Characteristic Leaching Procedure (TCLP) |
| APPENDIX C | Chemical Analysis Test Methods |
| TABLE A | Analytical Characteristics of Organic Chemicals (Repealed) |
| TABLE B | Analytical Characteristics of Inorganic Species (Repealed) |
| TABLE C | Sample Preparation/Sample Introduction Techniques (Repealed) |
| APPENDIX G | Basis for Listing Hazardous Wastes |
| APPENDIX H | Hazardous Constituents |
| APPENDIX I | Wastes Excluded <u>under</u> Section 720-120 and 720-122 by Administrative Action |
| TABLE A | Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Non-Specific Sources |
| TABLE B | Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Specific Sources |
| TABLE C | Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof |
| TABLE D | Wastes Excluded by the Board by Adjusted Standard |
| APPENDIX J | Method of Analysis of Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (Repealed) |
| APPENDIX Z | Table to Section 721.102 |

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26

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at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 721.102 Definition of Solid Waste

- a) Solid waste.
- 1) A solid waste is any discarded material that is not excluded by Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131.
 - 2) A discarded material is any material which that is:
 - A) Abandoned, as explained in subsection (b)7 below; or
 - B) Recycled, as explained in subsection (c)7 below; or
 - C) Considered inherently waste-like, as explained in subsection (d)7 below.
 - b) Materials are solid waste if they are abandoned by being:
 - 1) Disposed of; or
 - 2) Burned or incinerated; or
 - 3) Accumulated, stored or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned or incinerated.
 - c) Materials are solid wastes if they are recycled -- or accumulated, stored or treated before recycling -- as specified in subsections (c)(1) through (c)(4)7 below, if they are:
 - 1) Used in a manner constituting disposal.
 - A) Materials noted with a "yes" in column 1 of table in Appendix 2 are solid wastes then they are:
 - i) Applied to or placed on the land in a manner that constitutes disposal; or
 - ii) Used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).
 - B) However, commercial chemical products listed in Section 721.133 are not solid wastes if they are applied to the land and that is their ordinary manner of use.
 - 2) Burned for energy recovery.
 - A) Materials noted with a "yes" in column 2 of table in Appendix 2 are solid wastes when they are:
 - i) Burned to recover energy;
 - ii) Used to produce a fuel or are otherwise contained in

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- fuels (in which case the fuel itself remains a solid waste):
- iii) Contained in fuels (in which case the fuel itself remains a solid waste).
 - B) However, commercial chemical products listed in Section 721.133 are not solid wastes when reclaimed.
 - 3) Reclaimed. Materials noted with a "yes" in column 3 of table in Appendix 2 are solid wastes when reclaimed.
 - 4) Accumulated speculatively. Materials noted with "yes" in column 4 of table in Appendix 2 are solid wastes when accumulated speculatively.
 - d) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:
 - 1) Hazardous waste numbers F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.
 - 2) Secondary materials fed to a halogen acid furnace that exhibit a characteristic of a hazardous waste or are listed as a hazardous waste as defined in 721.Subparts C or D, except for brominated material which that meets the following criteria:
 - A) The material must contain a bromine concentration of at least 45%; and
 - B) The material must contain less than a total of 1% of toxic organic compounds listed in Appendix H; and
 - C) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).
 - 3) The following criteria are used to add wastes to the list:
 - A) Disposal method or toxicity
 - i) The materials are ordinarily disposed of, burned, or incinerated; or
 - ii) The materials contain toxic constituents listed in Appendix H and these constituents are not ordinarily found in raw materials or products for which the materials substitute (or are found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and
 - B) The material may pose a substantial hazard to human health and the environment when recycled.
 - e) Materials that are not solid waste when recycled.
 - 1) Materials are not solid wastes when they can be shown to be recycled by being:
 - A) Used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed; or
 - B) Used or reused as effective substitutes for commercial products; or
 - C) Returned to the original process from which they are generated, without first being reclaimed. The materials

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must be returned as a substitute for ~~raw materials~~ feedstock materials ~~and the process must use raw materials as principal feedstocks~~. In cases where the original process to which the material is returned is a secondary process, the materials must be managed so there is no placement on the land.

2) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (described in subsections (e)(1)(A) through (e)(1)(C) above):

- A) Materials used in a manner constituting disposal or used to produce products that are applied to the land; or
- B) Materials burned for energy recovery; used to produce a fuel, or contained in fuels; or
- C) Materials accumulated speculatively; or
- D) Materials listed in subsections (d)(1) and (d)(2) above.

E) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing Subtitle C of the Resource Conservation Recovery Act or Section 21 of the Environmental Protection Act who raise a claim that a certain material is not solid waste or that the material is conditionally exempt from regulation must demonstrate that there is a known market or disposition for the material and that they meet the terms of the exclusion or exemption. In doing so, they the person must provide appropriate documentation (such as contracts showing that a second person used the material as an ingredient in a production process) to demonstrate that the material is not a waste or that the material is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 721.103 Definition of Hazardous Waste

a) A solid waste, as defined in Section 721.102, is a hazardous waste if:

- 1) It is not excluded from regulation as a hazardous waste under Section 721.104(b); and

2) It meets any of the following criteria:

A) It exhibits any of the characteristics of hazardous waste identified in 721.Subpart C of this Part.

- i) Except that any mixture of a waste from the extraction, beneficiation, or processing of ores or minerals excluded under Section 721.104(b)(7) and any other solid waste exhibiting a characteristic of hazardous waste under 721.Subpart C of this Part is a hazardous waste only: if it exhibits a characteristic that would

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not have been exhibited by the excluded waste alone if such mixture had not occurred, or if it continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture.

- ii) Further, for the purposes of applying the toxicity characteristic to such mixtures under subsection (a)(2)(A)(i) above, the mixture is also a hazardous waste: if it exceeds the maximum concentration for any contaminant listed in Section 721.124 that would not have been exceeded by the excluded waste alone if the mixture had not occurred, or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.

B) It is listed in 721.Subpart D of this Part and has not been excluded from the lists in 721.Subpart D of this Part under 35 Ill. Adm. Code 720.120 and 720.122.

C) It is a mixture of a solid waste and a hazardous waste that is listed in 721.Subpart D of this Part solely because it exhibits one or more of the characteristics of hazardous waste identified in 721.Subpart C of this Part, unless:

- i) the resultant mixture no longer exhibits any characteristic of hazardous waste identified in 721.Subpart C of this Part, or unless
- ii) the solid waste: is excluded from regulation under Section 721.104(b)(7) and the resultant mixture no longer exhibits any characteristic of hazardous waste identified in 721.Subpart C of this Part for which the hazardous waste listed in 721.Subpart D of this Part was listed.

iii) However, nonhazardous Newswater mixtures are still subject to the requirements of 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at the point of land disposal.

D) It is a mixture of solid waste and one or more hazardous wastes listed in 721.Subpart D of this Part and has not been excluded from this subsection (a)(2) under 35 Ill. Adm. Code 720.120 and 720.122; however, the following mixtures of solid wastes and hazardous wastes listed in 721.Subpart D of this Part are not hazardous wastes (except by application of subsection (a)(2)(A) or (a)(2)(A) above) if the person demonstrates that the mixture consists of wastewater the discharge of which is subject to regulation under either 35 Ill. Adm. Code 309 or 310 (including wastewater at facilities which that have eliminated the discharge of wastewater) and:

- i) One or more of the following solvents listed in Section 721.131: - carbon tetrachloride, trichloroethylene, trichloroethylene, - provided that the maximum total

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weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million; or

- ii) One or more of the following spent solvents listed in Section 721.131: - methylene chloride, 1,1,1 - trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents, - provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million; or

- iii) One of the following wastes listed in Section 721.132: - heat exchanger bundle cleaning sludge from the petroleum refining industry (U.S. EPA Hazardous Waste-No waste no. K050); or

- iv) A discarded commercial chemical product, or chemical intermediate listed in Section 721.133, arising from de minimis losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process. For purposes of this subsection, "de minimis" losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinseate from empty containers or from containers that are rendered empty by that rinsing; or

- v) Wastewater resulting from laboratory operations containing toxic (T) wastes listed in 721.Subpart D of this-Part, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system, or provided that the wastes combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or

pretreatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation.

- E) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 721.Subpart D of this-Part. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, 3d-ed., incorporated by reference at 35 Ill. Adm. Code 720.111, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 721.Appendix H).

- i) The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins if they are processed through a tolling arrangement as described in 35 Ill. Adm. Code 739.124(c)7 to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner, or disposed.

- ii) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

- b) A solid waste which that is not excluded from regulation under subsection (a)(1) above becomes a hazardous waste when any of the following events occur:

- 1) In the case of a waste listed in 721.Subpart D of this-Part, when the waste first meets the listing description set forth in 721.Subpart D of this-Part.

- 2) In the case of a mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in 721.Subpart D of this-Part is first added to the solid waste.

- 3) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in 721.Subpart C of this-Part.

- c) Unless and until it meets the criteria of subsection (d) below, a hazardous waste will remain a hazardous waste.

BOARD NOTE: This subsection corresponds with 40 CFR 261.3(c)(1). The Board has codified 40 CFR 261.3(c)(2) at subsection (e) below.

- 1) A hazardous waste will remain a hazardous waste-

- 2) Specific inclusions and exclusions.

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that is placed in the generators or treatment units must be updated if the process or operation generating the waste changes or if the RCRA Subtitle B unit receiving the waste changes. However, the generator or treatment unit need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the calendar year but no later than December 31. The notification must include the following information: the name and address of the nonhazardous waste management unit receiving the waste shipment; the USBPA hazardous waste number and treatability group at the initial point of generation; the treatment standards applicable to the waste at the initial point of generation; the certification must be signed by an authorized representative and must state as follows:

"I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment."

BOARD NOTE: The generic exclusion levels for organic and zinc are higher than the HWMR-based alternative treatment standards for K062 and P0667 and HWMR-based treatment standards for K0617 specified in 35 Ill. Adm. Code 720.141. However, the HWMR residues must meet the applicable treatment standards prior to generic exclusion. Therefore, to be eligible for a generic exclusion, the treated residues must meet the lower of either the treatment standards or the generic exclusion levels for each constituent.

d) Any solid waste described in subsection (c) above is not a hazardous waste if it meets the following criteria:

1) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in 721. Subpart C of this Part. (However, wastes which that exhibit a characteristic at the point of generation may still be subject to the requirements of 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at the point of land disposal.)

2) In the case of a waste which that is a listed waste under 721. Subpart D of this Part, a waste that contains a waste listed under 721. Subpart D of this Part, or a waste that is a derived from a waste listed in 721. Subpart D of this Part, it also has been excluded from subsection (c) above under 35 Ill. Adm. Code 720.120 and 720.122.

e) This subsection corresponds with 40 CFR 261.3(f), a subsection which

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has been deleted from the federal regulations. This statement maintains structural consistency with USBPA rules Specific inclusions and exclusions.

1) Except as otherwise provided in subsection (e)(2) below, any solid waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate (but not including precipitation run-off), is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)

2) The following solid wastes are not hazardous even though they are generated from the treatment, storage, or disposal of a hazardous waste unless they exhibit one or more of the characteristic of hazardous waste:

A) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332).

B) Wastes from burning any of the materials exempted from regulation by any of Section 721.106(a)(3)(D) through (a)(3)(F).

C) Nonwastewater residues, such as slag, resulting from high temperature metal recovery (HWMR) processing of K061, K062, or F006 waste in the units identified in this subsection that are disposed of in non-hazardous waste units, provided that these residues meet the generic exclusion levels identified in the tables in this subsection for all constituents and the residues exhibit no characteristics of hazardous waste. The types of units identified are rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations, or the following types of industrial furnaces (as defined in 35 Ill. Adm. Code 720.110): blast furnaces, smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces), and other furnaces designated by the Agency pursuant to that definition.

(i) Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and when the process or operation generating the waste changes.

(ii) Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and

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convincing evidence that the material meets all of the exclusion requirements. The generic exclusion levels are:

| Constituent | Maximum for any single composite sample (mg/L) |
|---|--|
| Generic exclusion levels for K061 and K062 nonwastewater HTMR residues. | |
| Antimony..... | 0.10 |
| Arsenic..... | 0.50 |
| Barium..... | 7.6 |
| Beryllium..... | 0.010 |
| Cadmium..... | 0.050 |
| Chromium (total)..... | 0.33 |
| Lead..... | 0.15 |
| Mercury..... | 0.009 |
| Nickel..... | 1.0 |
| Selenium..... | 0.16 |
| Silver..... | 0.30 |
| Thallium..... | 0.020 |
| Vanadium..... | 1.26 |
| Zinc..... | 70.0 |
| Generic exclusion levels for F006 nonwastewater HTMR residues | |
| Antimony..... | 0.10 |
| Arsenic..... | 0.50 |
| Barium..... | 7.6 |
| Beryllium..... | 0.010 |
| Cadmium..... | 0.050 |
| Chromium (total)..... | 0.33 |
| Cyanide (total) (mg/kg)..... | 1.8 |
| Lead..... | 0.15 |
| Mercury..... | 0.009 |
| Nickel..... | 1.0 |
| Selenium..... | 0.16 |
| Silver..... | 0.30 |
| Thallium..... | 0.020 |
| Zinc..... | 70.0 |

(iii) A one-time notification and certification must be placed in the facility's files and sent to the Agency for, for out-of-State shipments, to the appropriate Regional Administrator of U.S. EPA or the state agency authorized to implement 40 CFR 268 requirements) for

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K061, K062, or F006 HTMR residues that meet the generic exclusion levels for all constituents and do not exhibit any characteristics and which are sent to RCRA Subtitle D (municipal solid waste landfill) units. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes or if the RCRA Subtitle D unit receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the calendar year, but no later than December 31. The notification must include the following information: the name and address of the nonhazardous waste management unit receiving the waste shipment; the U.S. EPA hazardous waste number and treatability group at the initial point of generation; and the treatment standards applicable to the waste at the initial point of generation. The certification must be signed by an authorized representative and must state as follows:

"I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

BOARD NOTE: This subsection would normally correspond with 40 CFR 261.3(e), a subsection which has been deleted and marked "reserved" by U.S. EPA. Rather, this subsection corresponds with 40 CFR 261.3(c)(2), which the Board codified here to comport with codification requirements and enhance clarity.

f) Notwithstanding subsections (a) through (e) above and provided the debris, as defined in 35 Ill. Adm. Code 728.102, does not exhibit a characteristic identified at 721 Subpart D of this Part, the following materials are not subject to regulation under 35 Ill. Adm. Code 720, 721 to 726, 728, or 730:

- 1) Hazardous debris as defined in 35 Ill. Adm. Code 728.102 that has been treated using one of the required extraction or destruction technologies specified in ~~Table A~~ of 35 Ill. Adm. Code 728.102; persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements; or
- 2) Debris as defined in 35 Ill. Adm. Code 728.102 that the Agency, considering the extent of contamination, has determined is no

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Longer contaminated with hazardous waste.

(Source: Amended in at 19 Ill. Reg. _____, effective _____)

Section 721.104 Exclusions

a) Materials that are not solid wastes. The following materials are not solid wastes for the purpose of this Part:

- 1) Sewage:
 - A) Domestic sewage; and
 - B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment.
 - C) "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.
 - 2) Industrial wastewater discharges that are point source discharges with NPDES permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.
- BOARD NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored, or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.
- 3) Irrigation return flows.
 - 4) Source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)
 - 5) Materials subjected to in-situ mining techniques that are not removed from the ground as part of the extraction process.
 - 6) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively, as defined in Section 721.101(c).
 - 7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively, as defined in Section 721.101(c).
 - 8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process, provided:
 - A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
 - B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces or incinerators);
 - C) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and

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D) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.

- 9) Wood preserving wastes.
 - A) Spent wood preserving solutions that have been used and which are reclaimed and reused for their original intended purpose; and
 - B) Wastewaters from the wood preserving process that have been reclaimed and which are reused to treat wood.
- 10) Hazardous waste number numbers K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the toxicity characteristic specified in Section 721.124, when subsequent to generation these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the wastes waste from the point they it are is generated to the point they it are is recycled to coke ovens, to or tar recovery, to or the tar refining processes, or prior to when it is mixed with coal.
- 11) Nonwastewater splash condenser dross residue from the treatment of hazardous waste number K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.
- 12) Recovered oil from petroleum refining, exploration, and production and from transportation incident thereto that is to be inserted into the petroleum refining process (SIC Code 2911) along with normal process streams prior to crude distillation or catalytic cracking. This exclusion applies to recovered oil stored or transported prior to insertion, except that the oil must not be stored in a manner involving placement on the land and the oil must not be accumulated speculatively before being recycled. Recovered oil is oil that has been reclaimed from secondary materials (such as wastewater) generated from normal petroleum refining, exploration and production, and transportation practices. Recovered oil includes oil that is recovered from refinery wastewater collection and treatment systems, oil recovered from oil and gas drilling operations, and oil recovered from waste removed from crude oil storage tanks. Recovered oil does not include (among other things) oil-bearing hazardous waste listed in 721.Subpart D (e.g., K048 through K052, F037, and F038). However, oil recovered from such wastes may be considered recovered oil. Recovered oil also does not include used oil as defined in 35 Ill. Adm. Code 739.100.
- b) Solid wastes that are not hazardous wastes. The following solid wastes are not hazardous wastes:
 - 1) Household waste, including household waste that has been

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collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel), or reused. "Household waste" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this Part, if such facility:

- A) Receives and burns only:
 - i) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); and
 - ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and
- B) Such facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

BOARD NOTE: The U.S. Supreme Court determined, in *City of Chicago v. Environmental Defense Fund, Inc.*, no. 92-1639 (May 2, 1994), that this exclusion and RCRA section 3001(i) (42 U.S.C. 6921(i)) do not exclude the ash from facilities covered by this subsection from regulation as a hazardous waste. At 59 Fed. Reg. 29372 (June 7, 1994), U.S. EPA granted facilities managing ash from such facilities that is determined a hazardous waste under 721.Subpart C until December 7, 1994 to file a Part A permit application pursuant to 35 Ill. Adm. Code 703.181.

- 2) Solid wastes generated by any of the following that are returned to the soil as fertilizers:

- A) The growing and harvesting of agricultural crops; or
 - B) The raising of animals, including animal manures.
- 3) Mining overburden returned to the mine site.
 - 4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
 - 5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy.
 - 6) Chromium wastes:

- A) Wastes that fail the test for the toxicity characteristic (Section 721.124 and Appendix B) because chromium is present or which are listed in 721.Subpart D ~~of this Part~~ due to the presence of chromium, that do not fail the test for the toxicity characteristic for any other constituent or which

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are not listed due to the presence of any other constituent, and that do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:

- i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and
- ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
- iii) The waste is typically and frequently managed in non-oxidizing environments.

- B) Specific wastes that meet the standard in subsection ~~subsections~~ (b)(6)(A) ~~++7--(b)(6)(A)++(++)--and--(b)(6)(A)++(++)~~ above (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic) are:

- i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing;

- ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing;

- iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue;

- iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing;

- v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing;

- vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing;

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- vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries⁷; and
- viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.
- 7) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock, and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste. For purposes of this subsection, beneficiation of ores and minerals is restricted to the following activities: crushing, grinding, washing, dissolution, crystallization, filtration, sorting, sizing, drying, sintering, pelletizing, briquetting, calcining to remove water or carbon dioxide, roasting, autoclaving or chlorination in preparation for leaching (except where the roasting or autoclaving or chlorination and leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing), gravity concentration, magnetic separation, electrostatic separation, floatation, ion exchange, solvent extraction, electrowinning, precipitation, amalgamation, and heap, dump, vat tank, and in situ leaching. For the purposes of this subsection, solid waste from the processing of ores and minerals includes only the following wastes:
- A) Slag from primary copper processing⁷;
 - B) Slag from primary lead processing⁷;
 - C) Red and brown muds from bauxite refining⁷;
 - D) Phosphogypsum from phosphoric acid production⁷;
 - E) Slag from elemental phosphorus production⁷;
 - F) Gasifier ash from coal gasification⁷;
 - G) Process wastewater from coal gasification⁷;
 - H) Calcium sulfate wastewater treatment plant sludge from primary copper processing⁷;
 - I) Slag tailings from primary copper processing⁷;
 - J) Fluorogypsum from hydrofluoric acid production⁷;
 - K) Process wastewater from hydrofluoric acid production⁷;
 - L) Air pollution control dust or sludge from iron blast furnaces⁷;
 - M) Iron blast furnace slag⁷;
 - N) Treated residue from roasting and leaching of chrome ore⁷;
 - O) Process wastewater from primary magnesium processing by the anhydrous process⁷;
 - P) Process wastewater from phosphoric acid production⁷;
 - Q) Basic oxygen furnace and open hearth furnace air pollution control dust or sludge from carbon steel production⁷;
 - R) Basic oxygen furnace and open hearth furnace slag from carbon steel production⁷.

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- S) Chloride processing waste solids from titanium tetrachloride production⁷; and
- T) Slag from primary zinc smelting.
- 8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- 9) Solid waste that consists of discarded arsenical-treated wood or wood products which that fails the test for the toxicity characteristic for hazardous waste codes D004 through D017 and that which is not a hazardous waste for any other reason if the waste is generated by persons who that utilize the arsenical-treated wood and wood products for these materials' intended end use.
- 10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (hazardous waste codes D018 through D043 only) and which are subject to corrective action regulations under 35 Ill. Adm. Code 731.
- 11) Injected groundwater that is hazardous only because it exhibits the toxicity characteristic (U-S-EPA-hazardous-waste-codes-B018 through-B024-only)-in-Section-721.124-that-is-rejected-through an-underground-injection-well-pursuant-to-free-phase-hydrocarbon recovery-operations-undertaken-at-petroleum-refineries-petroleum marketing-terminals-petroleum-bulk-plants-petroleum-pipelines-and-petroleum-spill-sites-until-January-25-1993--this-extension applies-to-recovery-operations-in-existence-or-for-which contracts-have-been-issued-on-or-before-March-25-1991--for groundwater-returned-through-infiltration-galleries-from-such-at petroleum-refineries-marketing-terminals-and-bulk-plants-until October-27-1991--New-operations-involving-injection-wells beginning-after-March-25-1991-will-qualify-for-this-compliance date-extension--(until-January-25-1993-only-if-this-subsection corresponds with 40 CFR 261.4(b)(1)), which expired by its own terms on January 25, 1993. This statement maintains structural parity with U.S. EPA regulations.
- A) Operations are performed pursuant to a "free-product-removal report" pursuant to 35 Ill. Adm. Code 731.164, and
- B) A copy of the "free-product-removal report" has been submitted to:
- Characteristics-Section-(605-333)
U-S-EPA
401-M-Street-SW
Washington-D-C-20460
- 12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.
- 13) Non-terne plated used oil filters that are not mixed with wastes

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listed in 721. Subpart D ~~of this part~~, if these oil filters have been gravity hot-drained using one of the following methods:

- A) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
- B) Hot-draining and crusing;
- C) Dismantling and hot-draining; or
- D) Any other equivalent hot-draining method that will remove used oil.

- 14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.

- c) Hazardous wastes that are exempted from certain regulations. A hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit, or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, 705, and 722 through 725, and 728 or to the notification requirements of Section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing or for storage or transportation of product or raw materials.
- d) Samples.
 - 1) Except as provided in subsection (d)(2) below, a sample of solid waste or a sample of water, soil, or air that is collected for the sole purpose of testing to determine its characteristics or composition is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, 705 and 722 through 728. The sample qualifies when:
 - A) The sample is being transported to a laboratory for the purpose of testing; ~~or~~
 - B) The sample is being transported back to the sample collector after testing; ~~or~~
 - C) The sample is being stored by the sample collector before transport to a laboratory for testing; ~~or~~
 - D) The sample is being stored in a laboratory before testing; ~~or~~
 - E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or
 - F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

- 2) In order to qualify for the exemption in ~~subsections~~ subsection (d)(1)(A) ~~and~~ or (d)(1)(B) above, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector shall:
 - A) Comply with U.S. Department of Transportation (DOT), U.S.

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Postal Service (USPS), or any other applicable shipping requirements; or

- B) Comply with the following requirements if the sample collector determines that DOT, USPS, or other shipping requirements do not apply to the shipment of the sample:
 - i) Assume that the following information accompanies the sample: The sample collector's name, mailing address, and telephone number; the laboratory's name, mailing address, and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample.
 - ii) Package the sample so that it does not leak, spill, or vaporize from its packaging.

- 3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1) above.
- e) Treatability study samples.
 - 1) Except as is provided in subsection (e)(2) below, a person ~~persons who that generates generate~~ or collects ~~collect~~ samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:
 - A) The sample is being collected and prepared for transportation by the generator or sample collector; ~~or~~
 - B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or
 - C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.

- 2) The exemption in subsection (e)(1) above is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:
 - A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, or 2500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated wastestream; ~~and~~
 - B) The mass of each shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2500 kg of media contaminated with acute hazardous waste, 1000 kg of hazardous waste, and 1 kg of acute hazardous waste; ~~and~~

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- C) The sample must be packaged so that it does not leak, spill, or vaporize from its packaging during shipment and the requirements of subsections (e)(2)(C)(i) or (e)(2)(C)(ii), below, are met.
- i) The transportation of each sample shipment complies with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or
 - ii) If the DOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address, and telephone number of the originator of the sample; the name, address, and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its U.S. EPA hazardous waste number; 2
- D) The sample is shipped to a laboratory or testing facility that is exempt under subsection (f) below, or has an appropriate RCRA permit or interim status; 2
- E) The generator or sample collector maintains the following records for a period ending 3 three years after completion of the treatability study:
- i) Copies of the shipping documents;
 - ii) A copy of the contract with the facility conducting the treatability study;
 - iii) Documentation showing: The amount of waste shipped under this exemption; the name, address, and U.S. EPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and, whether or not unused samples and residues were returned to the generator; 2
- F) The generator reports the information required in subsection (e)(2)(E)(iii) above in its report under 35 Ill. Adm. Code 722.141.
- 3) The Agency may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsection (e)(2)(A) and (e)(2)(B) above and (f)(4) below, for up to an additional 5000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste:
- A) In response to requests for authorization to ship, store, and conduct further treatability studies in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the

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- technology, the type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady-state operating conditions, or test design considerations, such as mass balance calculations.
- B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies when: There has been an equipment or mechanical failure during the conduct of the treatability study; 2, there is need to verify the results of a previously-conducted treatability study; 2, there is a need to study and analyze alternative techniques within a previously-evaluated treatment process; 2, or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.
- C) The additional quantities allowed and timeframes allowed in subsections (e)(3)(A) and (e)(3)(B) above are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (e)(2)(F) above. The generator or sample collector shall apply to the Agency and provide in writing the following information:
- i) The reason why the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;
 - ii) Documentation accounting for all samples of hazardous waste from the wastestream that have been sent for or undergone treatability studies, including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;
 - iii) A description of the technical modifications or change in specifications that will be evaluated and the expected results;
 - iv) If such further study is being required due to equipment or mechanical failure, the applicant shall include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and
 - v) Such other information as the Agency determines is necessary.
- 4) Final Agency determinations pursuant to this subsection may be

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appealed to the Board.

f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 705, 722 through 726, and 728, or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1) through (f)(11) below are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11) below. Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) below apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.

1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection.

2) The laboratory or testing facility conducting the treatability study has a U.S. EPA identification number.

3) No more than a total of 10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, or 250 kg of other "as received" hazardous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, 1000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including nonhazardous solid waste) added to "as received" hazardous waste.

5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.

6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.

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7) The facility maintains records 3 three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

A) The name, address, and U.S. EPA identification number of the generator or sample collector of each waste sample;

B) The date the shipment was received;

C) The quantity of waste accepted;

D) The quantity of "as received" waste in storage each day;

E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;

F) The date the treatability study was concluded;

G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the U.S. EPA identification number.

8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending 3 three years from the completion date of each treatability study.

9) The facility prepares and submits a report to the Agency by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:

A) The name, address, and U.S. EPA identification number of the facility conducting the treatability studies;

B) The types (by process) of treatability studies conducted;

C) The names and addresses of persons for whom studies have been conducted (including their U.S. EPA identification numbers);

D) The total quantity of waste in storage each day;

E) The quantity and types of waste subjected to treatability studies;

F) When each treatability study was conducted; and

G) The final disposition of residues and unused sample from each treatability study.

10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703, and 721 through 728, unless the residues and unused samples are returned to the sample originator under the subsection (e) exemption above.

11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 721.106 Requirements for Recyclable Materials

a) Recyclable materials:

- 1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsections (b) and (c)7 below, except for the materials listed in subsections (a)(2) and (a)(3)7 below. Hazardous wastes that are recycled will be known as "recyclable materials".
- 2) The following recyclable materials are not subject to the requirements of this Section but are regulated under 35 Ill. Adm. Code 726.Subparts C through H and all applicable provisions in 35 Ill. Adm. Code 702, 703, and 705.

- A) Recyclable materials used in a manner constituting disposal (35 Ill. Adm. Code 726.Subpart C);
- B) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under 35 Ill. Adm. Code 724.Subpart O or 725.Subpart O (35 Ill. Adm. Code 726.Subpart H)7;
- C) Recyclable materials from which precious metals are reclaimed (35 Ill. Adm. Code 726.Subpart F);
- D) Spent lead-acid batteries that are being reclaimed (35 Ill. Adm. Code 726.Subpart G).

- 3) The following recyclable materials are not subject to regulation under 35 Ill. Adm. Code 722 through 726, 728, or 702, 703, or 705 and are not subject to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act:

- A) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in 35 Ill. Adm. Code 722.158:

- i) A person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, shall comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.1537; 722.156(a)(1) through (a)(4), (a)(6), and (b)7; and 722.1577; shall export such materials only upon consent of the receiving country and in conformance with the U.S. EPA Acknowledgment of Consent, as defined in 35 Ill. Adm. Code 722.Subpart E7; and shall provide a copy of the U.S. EPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export;

- ii) Transporters transporting a shipment for export shall not accept a shipment if the transporter knows that the shipment does not conform to the U.S. EPA Acknowledgment of Consent, shall ensure that a copy of

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the U.S. EPA Acknowledgment of Consent accompanies the shipment, and shall ensure that is is delivered to the facility designated by the person initiating the shipment.

- B) Used batteries (or used battery cells) returned to a battery manufacturer for regeneration;
- C) Scrap metal;
- D) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste where such recovered oil is already excluded under Section 721.104(a)(12));

- E) ~~Oil reclaimed from hazardous waste resulting from normal petroleum refining, production and transportation practices, which oil is to be refined along with normal process streams at a petroleum refining facility.~~

- PE) i) Petroleum refining wastes.
Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil, so long as the resulting fuel meets the used oil specification under 35 Ill. Adm. Code 726.140(e) and so long as no other hazardous wastes are used to produce the hazardous waste fuel;

- ii) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining, production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

- iii) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

- GF) Petroleum coke produced from petroleum refinery hazardous wastes containing oil ~~at the same facility at which such by the same person that generated the wastes were generated~~ unless the resulting coke product exceeds one or more of the characteristics of hazardous waste in 721.Subpart D of this

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Part.

4) Used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to the requirements of 35 Ill. Adm. Code 720 through 728, but it is regulated under 35 Ill. Adm. Code 739. Used oil that is recycled includes any used oil which that is reused for any purpose following its original use--~~for any purpose~~ (including the purpose for which the oil was originally used). Such term includes, but is not limited to, oil which that is re-refined, reclaimed, burned for energy recovery, or reprocessed.

b) Generators and transporters of recyclable materials are subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the notification requirements under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a)7 above.

c) Storage and recycling:

1) Owners or operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of 35 Ill. Adm. Code 702, 703, and 705; 724.Subparts A through L, AA, and BB; and 725.Subparts A through L, AA, and BB; 726; 728; 702; 703; and 705 and the notification requirement under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a)7 above. (The recycling process itself is exempt from regulation, except as provided in subsection (d)7 below.)

2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in subsection (a)7 above:

A) Notification requirements under Section 3010 of the Resource Conservation and Recovery Act;

B) 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies), and

C) Subsection (d)7 below.

d) Owners or operators of facilities required to have a RCRA permit pursuant to 35 Ill. Adm. Code 703 with hazardous waste management units which that recycle hazardous wastes are subject to 35 Ill. Adm. Code 724.SubpartSubparts AA and BB and 725.SubpartSubparts AA and BB.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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11m;10=0,0;11=5,9;12=10,14;13=15,19;14=20,24;15=25,29

Section 721.APPENDIX I Wastes Excluded under Section 720-120--and--720-122 by Administrative Action

Section 721.TABLE A Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from From Non-specific Sources

| Facility Address | Waste Description |
|--|---|
| Envirote-----Corp- Harvey--Illinois | Bevatered--wastewater--sludges--EPA-Hazardous-Waste-No- P006)-generated-from-electroplating--operations--spent cyanide--plating--solutions--(EPA--Hazardous--Waste-No- P007)-generated-from-electroplating--operations--plating bath-residues-from-the-bottom--of--plating--baths--EPA Hazardous--Waste-No-P008)-generated-from-the-bottom-of plating--baths--(EPA-Hazardous-Waste-No-P008)--generated from--electroplating operations--where cyanides--are--used in--the--process--spent--stripping--and--cleaning--bath solutions--(EPA-Hazardous-Waste-No-P009)-generated--from electroplating--operations--where cyanides--are--used--in the--process--spent cyanide--solutions--from--salt--bath--pot cleaning--(EPA-Hazardous-Waste-No-P011)-generated--from metal--heat--treating--operations--quenching--wastewater treatment--sludges--(EPA--Hazardous--Waste--No---P012) generated--from--metal--heat--treating--where cyanides--are used--in--the--process--wastewater--treatment--sludges--EPA Hazardous--Waste--No-P019)-generated--from--the--chemical conversion--coating--of aluminum after November 14, 1986; to--ensure--that--hazardous--constituents--are--not--present in--the--waste--at--levels--of--regulatory--concern--the facility must implement a contingency--testing--program for--the--petitioned--wastes--pursuant--testing--program--must meet--the--following conditions for the existing waste valid: |
| | 1) Batch--batch--of--treatment--residue--must--be representatively sampled--and--tested--using--the EPA toxicity--test--for--acute--mortality--and chromium--ready--solubility--metals--for nickel--if--the--event--solvent--concentrations--for chromium--ready--solubility--and--silver--exceed--125 ppm--for--chromium--exceed--100--ppm--for--silver--and silver--exceed--100--ppm--for--chromium--exceed--100--ppm--for--silver--and must--be--re-treated--or--managed--and--disposed--as--a |

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hazardous waste under 35 Ill. Adm. Code 732 to 735 and the permitting standards of 35 Ill. Adm. Code 702, 703, and 705.

- 2) Each batch of treatment residue must be tested for reactive and leachable cyanide. If the reactive cyanide levels exceed 250 ppm or leachable cyanide levels during the BP toxicity test without acetic acid adjustment exceed 126 ppm, the waste must be retreated or managed and disposed as a hazardous waste under 35 Ill. Adm. Code 732 to 735 and the permitting standards of 35 Ill. Adm. Code 702, 703, and 705.

- 3) Each batch of waste must be tested for the total content of specific organic toxicants. If the total content of anthracene exceeds 76.0 ppm, 1,2-diphenylhydrazine exceeds 0.001 ppm, methylene chloride exceeds 10 ppm, methyl ethyl ketone exceeds 36 ppm, p-nitrosodiphenylamine exceeds 119 ppm, phenol exceeds 1756 ppm, or tetrachloroethylene exceeds 0.10 ppm, or trichloroethylene exceeds 0.592 ppm, the waste must be managed and disposed as a hazardous waste under 35 Ill. Adm. Code 732 to 735 and the permitting standards of 35 Ill. Adm. Code 702, 703, and 705.

- 4) A grab sample must be collected from each batch to form one monthly composite sample which must be tested using gas chromatography/mass spectrometry analysis for the compounds listed in No. 3 above as well as the remaining organics on the priority pollutant list incorporated by reference see 40 CFR 433 App. A (1993) as adopted at 4 Fed. Reg. 52302-19 Nov. 1974 (1992) not including late amendments.

- 5) The data from conditions 1-4 must be kept on file at the facility for inspection purposes and must be completed, summarized, and submitted to the Administrator of the USEPA by certified mail semi-annually. The USEPA will review this information and if needed will propose to modify or withdraw the exemption. Should a POP be to modify or withdraw the exemption, the Administrator shall promptly provide notice thereof to the Board. The decision to conditionally exclude the treatment residue generated from the wastewater

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treatment systems at Envtel's Harvey, Illinois facility applies only to the wastewater and solids treatment systems as they presently exist as described in the delisting petition submitted to the USEPA. The exclusion does not apply to the proposed process additions described in the petition submitted to USEPA as recovery including crystallization, electrolytic metals recovery, evaporative recovery, and ion exchange.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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amendments):

- 5) ~~The data from conditions 1-4 must be kept on file at the facility for inspection purposes and must be compiled, summarized, and submitted to the USEPA Administrator by certified mail semi-annually. The USEPA will review this information and if needed will propose to modify or withdraw the exclusion. Should USEPA propose to modify or withdraw the exclusion, Enviro-Board shall promptly provide notice thereof to the Board. The decision to conditionally exclude the treatment residue generated from the wastewater treatment systems at Enviro-S-Harvey, Illinois facility applies only to the wastewater and solids treatment systems as they presently exist as described in the delisting petition submitted to the USEPA. The exclusion does not apply to the proposed process additions described in the petition submitted to USEPA as recovery, including crystallization, electrolytic metals recovery, evaporative recovery, and ion exchange.~~

USX Steel
Corporation
Chicago, Illinois

Full-cured chemically stabilized electric arc furnace dust/sludge (CSEAFD) treatment residue (U.S. EPA Hazardous hazardous Waste waste No. number K061) generated from the primary production of steel after April 29, 1991. This exclusion (for 35,000 tons of CSEAFD per year) is conditioned upon on the data obtained from USX's full-scale CSEAFD treatment facility. To ensure that hazardous constituents are not present in the waste at levels of regulatory concern once the full-scale treatment facility is in operation, USX shall implement a testing program for the petitioned waste. This testing program must meet the following conditions for the exclusion to be valid:

1. Testing: Sample collection and analyses (including quality control (QC) procedures) must be performed according to SW-846 methodologies. SW-846-152 incorporated by reference in 35 Ill. Adm. Code 720.111.

- A. Initial Testing: During the first four weeks of operation of the full scale treatment system, USX shall collect representative grab samples of each treated batch of the CSEAFD and composite the grab samples daily. The

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daily composites, prior to disposal, must be analyzed for the EP leachate concentrations of all the EP toxic metals, nickel and cyanide (using distilled water in the cyanide extractions), and the total concentrations of reactive sulfide and reactive cyanide. USX shall report the analytical test data, including quality control information, obtained during this initial period no later than 90 days after the treatment of the first full-scale batch.

- B. Subsequent Testing: USX shall collect representative grab samples from every treated batch of CSEAFD generated daily and composite all of the grab samples to produce a weekly composite sample. USX then shall analyze each weekly composite sample for all of the EP toxic metals and nickel. The analytical data, including quality control information, must be compiled and maintained on site for a minimum of three years. These data must be furnished upon request and made available for inspection by any employee or representative of U.S. EPA or the Agency.

2. Delisting levels: If the EP extract concentrations for chromium, lead, arsenic, or silver exceed 0.315 mg/l; for barium exceeds 6.3 mg/l; for cadmium or selenium exceed 0.063 mg/l; for mercury exceeds 0.0126 mg/l; for nickel exceeds 3.15 mg/l; or for cyanide exceeds 4.42 mg/l; or total reactive cyanide or total reactive sulfide levels exceed 250 mg/kg and 500 mg/kg, respectively, the waste must either be re-treated until it meets these levels or managed and disposed of in accordance with Subpart C of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.).

3. Data submittal to and enforcement by U.S. EPA: Within one week of system start-up USX shall notify the Section Chief, Delisting Section (see address below) when its full-scale stabilization system is on-line and waste treatment has begun. The data obtained through condition (1)(A) shall be submitted to the Section Chief, Delisting Section, CAD/OSW (OS-333), U.S. EPA, 401 M Street,

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S.W., Washington, DC 20460 within the time period specified. At the U.S. EPA's request, USX must submit any other analytical data obtained through conditions (1)(A) or (1)(B) within the time period specified by the Section Chief. Failure to submit the required data obtained from conditions (1)(A) or (1)(B) within the specified time period or maintain the required records for the specified time will be considered by U.S. EPA, at its decision, sufficient basis to revoke USX's federal exclusion to the extent directed by U.S. EPA. All data must be accompanied by the following certification statement: "Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Federal Code which include, but may not be limited to, 18 U.S.C. Section 6928), I certify that the information contained in or accompanying this document is true, accurate and complete. As to the (those) identified section(s) of this document for which I cannot personally verify its truth and accuracy, I certify as the company official having supervisory responsibility for this document that the verification made by me or my direct instructions, made the verification that this information is true, accurate and complete."

4. Data Submittal to Agency: The data obtained through condition (1)(A) must be submitted to the Illinois Environmental Protection Agency, Planning and Reporting Section, 2200 Churchill Road, P.O. Box 19276, Springfield, IL 62794-9276 within the time period specified. At Agency's request, USX must submit any other analytical data obtained through conditions (1)(A) or (1)(B) within the time period specified by the Agency. All data

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must be accompanied by the following certification statement: "Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of Illinois' Environmental Protection Act), I certify that the information contained in or accompanying this document is true, accurate and complete. As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate and complete."

5. Enforcement by the Agency: Whenever the Agency finds that USX has violated the standards in this exclusion, has failed to submit the required data obtained from conditions (1)(A) or (1)(B) within the specified time period, has failed to maintain the required records for the specified time or has submitted false, inaccurate or incomplete data, the Agency may take such action as is allowed by Title VIII of the Act.

6. Notification to the Board: Upon modification, termination, revocation, or other alteration of this exemption by U.S. EPA, USX shall file a petition, pursuant to Part 102, with this Board requesting that the Board follow the U.S. EPA action.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 721.TABLE C Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from From Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof

| Facility Address | Waste Description |
|--|-------------------|
| (Source: Amended at 19 Ill. Reg. _____, effective _____) | |

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Section 721.TABLE D Wastes Excluded by the Board by Adjusted Standard

The Board has entered the following orders on petitions for adjusted standards for delisting, pursuant to 35 Ill. Adm. Code 720.122.

| | |
|--|--|
| AS91-1 | Petition of Keystone Steel and Wire Co. for Hazardous Waste Delisting, February 6, 1992, and modified at 133 PCB 189, April 23, 1992. (treated K061 waste) |
| AS91-3 | Petition of Peoria Disposal Co. for an Adjusted Standard from 35 Ill. Adm. Code 721.Subpart D, February 6 and March 11, 1993. (treated F006 waste) |
| AS93-7 | Petition of Keystone Steel & Wire Co. for an Adjusted Standard from 35 Ill. Adm. Code 721.Subpart D, February 17, 1994, as modified March 17, 1994. (treated K062 waste) |
| (Source: Amended at 19 Ill. Reg. _____, effective _____) | |

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1) Heading of the Part: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

2) Code Citation: 35 Ill. Adm. Code 725

3) Section Numbers: Proposed Action:

| | |
|---------------------------|-------------|
| 725.101, 725.113, 725.114 | Amended |
| 725.115, 725.117, 725.150 | Amended |
| 725.156, 725.171, 725.173 | Amended |
| 725.177, 725.192, 725.194 | Amended |
| 725.271, 725.272, 725.274 | Amended |
| 725.278 | New Section |
| 725.301 | Amended |
| 725.302 | New Section |
| 725.325 | Amended |
| 725.331 | New Section |
| 725.352, 725.378, 725.477 | Amended |
| 725.501, 725.502, 725.503 | Amended |
| 725.504, 725.505, 725.506 | Amended |
| 725.933, 725.963 | Amended |
| 725.980, 725.981, 725.982 | New Section |
| 725.983, 725.984, 725.985 | New Section |
| 725.986, 725.987, 725.988 | New Section |
| 725.989, 725.990, 725.991 | New Section |
| 725.1102 | Amended |

4) Statutory Authority: 415 ILCS 5/22.4 and 27.

5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of March 2, 1995, in R95-4 and R95-6 (consolidated), which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates Parts 700, 702, 703, 705, 720, 721, 722, 723, 724, 725, 726, 728, 730, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste and underground injection control (UIC) rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994. During this period, U.S. EPA amended its regulations as follows:

Federal Action

Summary

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59 Fed. Reg. 38536, July 28, 1994
Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry

59 Fed. Reg. 43496, August 24, 1994

Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) that are used in a manner constituting disposal

59 Fed. Reg. 47980, September 19, 1994
Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040

59 Fed. Reg. 47982, September 19, 1994

Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)

59 Fed. Reg. 62896, December 6, 1994

Organic material air emission standards for tanks, surface impoundments, and containers

In addition to these principal amendments that occurred during the update period, the Board has included an additional, later action:

60 Fed. Reg. 242, January 3, 1995
Corrections to the Phase II land disposal restrictions (universal treatment standards)

This January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

1) The January 3, 1995 amendments are corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;

2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and

3) The Board has received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

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The Board also notes that the later amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket.

In addition to the federally-derived amendments, the Board used this opportunity to undertake a number of housekeeping and corrective amendments. We have effected the removal of all cross-references for effective dates and repealed Part 700. We have converted equations and formulae to the standard scientific format. We have tried to improve the language and structure of various provisions, including correcting grammar, punctuation, and spelling where necessary.

Specifically, the segment of the amendments involved in Part 725 incorporate the major requirements of the federal air emissions regulations of December 6, 1994 and one federal correction. The bulk of the air emissions requirements for tanks, containers, and surface impoundments is in new 725.Subpart CC. The federal correction, made as part of the September 19, 1994 Phase II LDRs, is the correction at Section 725.101(c)(10) of the type of waste that is exempt from regulation if managed in an elementary neutralization unit from corrosive to reactive waste.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference?

Yes. 35 Ill. Adm. Code 720.111 is the central listing of all documents incorporated by reference throughout the text of 35 Ill. Adm. Code 702 through 705, 721 through 726, 728, 730, 738, and 739. The present amendments update the documents incorporated by reference in a few ways. First, the Board has added the year code to the references to ASTM methods at Sections 725.933(e)(2) and 725.963(d)(1) and (h). We then add the methods references in 725.Subpart CC used by U.S. EPA in the December 6, 1994 air emissions requirements: the U.S. DOT hazardous materials transportation regulations of 49 CFR 178; Methods 21, 25D, 25E, and 27 of 40 CFR 60, appendix A; sampling methods and Method 9095 from SW-846; Method 301 from 40 CFR 63, appendix A; API 2517; ASTM D 2879-92; and the 40 CFR 60, subpart VV and 61, subpart V equipment leaks air requirements.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)]. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on

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units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste or they engage in underground injection of waste.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R95-4/R95-6 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312-814-6931

Address all questions to Michael J. McCambridge, at 312-814-6924.

12) Initial regulatory flexibility analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 6, 1995.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses that generate, transport, treat, store, or dispose of hazardous waste or engage in underground injection of waste.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 725

INTERIM STATUS STANDARDS FOR OWNERS AND
OPERATORS OF HAZARDOUS WASTE TREATMENT,
STORAGE, AND DISPOSAL FACILITIES

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 APPENDIX C EPA Interim Primary Drinking Water Standards
 APPENDIX D Tests for Significance
 APPENDIX E Examples of Potentially Incompatible Waste

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/22.4 and 27).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 725.101 Purpose, Scope and Applicability

- a) The purpose of this Part is to establish minimum standards ~~which~~ that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

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- b) Except as provided in Section 725.980(b), the ~~the~~ standards in this Part and of 35 Ill. Adm. Code 724.652 and 724.653 apply to owners and operators of facilities ~~which~~ that treat, store, or dispose of hazardous waste ~~who~~ that have fully complied with the requirements for interim status under Section 3005(e) of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.) and 35 Ill. Adm. Code 703, until either a permit is issued under Section 3005 of the Environmental Protection Act, or until applicable closure and post-closure responsibilities under this Part are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980, ~~who~~ that have failed to provide timely notification as required by Section 3010(a) of RCRA, or ~~that~~ have failed to file Part A of the Permit Application, as required by 40 CFR 270.10(e) and (g) or 35 Ill. Adm. Code 703.150 and 703.152. These standards apply to all treatment, storage or disposal of hazardous waste at these facilities after November 19, 1980, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721;
- BOARD NOTE: As stated in Section 3005(a) of RCRA, after the effective date of regulations under that Section [i.e., 40 CFR 270 and 1247] the treatment, storage or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility ~~which~~ that meets the conditions until final administrative disposition of the owner's and operator's permit application is made. 35 Ill. Adm. Code 703.140 et seq. provide that a permit is deemed issued under Section 21(f)(1) of the Environmental Protection Act under conditions similar to federal interim status.

- c) The requirements of this Part do not apply to:

- 1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 U.S.C. 1431-1434; 33 U.S.C. 1401);
- BOARD NOTE: This Part applies to the treatment or storage of hazardous waste before it is loaded into an ocean vessel for incineration or disposal at sea, as provided in subsection (b).
- 3) The owner or operator of a POTW (publicly owned treatment works) ~~which~~ that treats, stores or disposes of hazardous waste;
- BOARD NOTE: The owner or operator of a facility under subsections (c)(1) through (c)(3) is subject to the requirements of 35 Ill. Adm. Code 724 to the extent they are included in a permit by rule granted to such a person under 35 Ill. Adm. Code 702 and 703 or are required by 35 Ill. Adm. Code 704.Subpart F.
- 5) The owner or operator of a facility permitted, licensed, or registered by Illinois to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105;
- 6) The owner or operator of a facility managing recyclable materials

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described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4), except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726.Subparts C, F, G, or H or 35 Ill. Adm. Code 739+;

- 7) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134, except to the extent the requirements are included in 35 Ill. Adm. Code 722.134;
- 8) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170;
- 9) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;
- 10) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code 728.Table BT, or corrosive (D002) wastes) in order to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 725.117(b);

11) Immediate response:

- A) Except as provided in subsection (c)(11)(B) below, a person engaged in treatment or containment activities during immediate response to any of the following situations:

- i) A discharge of a hazardous waste;
 - ii) An imminent and substantial threat of a discharge of a hazardous waste;
 - iii) A discharge of a material which, when discharged, that becomes a hazardous waste when discharged.
- B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of 725.Subparts C and D.

- C) Any person who that is covered by subsection (c)(11)(A) above and--who that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities.

- 12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.

- 13) The addition of absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or the addition of waste to the absorbent material in a container, provided that these actions occur at the time that the waste is first placed in the container, and Sections 725.117(b), 725.271, and 725.272 are complied with.

- d) The following hazardous wastes must not be managed at facilities subject to regulation under this Part: hazardous waste numbers F020,

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F021, F022, F023, F026, or F027 unless:

- 1) The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;
 - 2) The waste is stored in tanks or containers;
 - 3) The waste is stored or treated in waste piles that meet the requirements of 35 Ill. Adm. Code 724.350(c) ~~as well as~~ and all other applicable requirements of 725.Subpart L;
 - 4) The waste is burned in incinerators that are certified pursuant to the standards and procedures in Section 725.452; or
 - 5) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in Section 725.483.
- e) This Part applies to owners and operators of facilities which that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728, and the 35 Ill. Adm. Code 728 standards are considered material conditions or requirements of the interim status standards of this Part.

- f) ~~35-III-Adm--Code-789--contains--rules--concerning--application--of--other Board--regulations-- Other bodies of regulations may apply a person, facility, or activity, such as 35 Ill. Adm. Code 809 (special waste hauling), 35 Ill. Adm. Code 807 or 810 through 817 (solid waste landfills), 35 Ill. Adm. Code 848 or 849 (used and scrap tires), or 35 Ill. Adm. Code 1420 through 1422 (potentially infectious medical waste), depending on the provisions of those other regulations.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART B: GENERAL FACILITY STANDARDS

Section 725.113 General Waste Analysis

- a) Waste analysis:

- 1) Before an owner or operator treats, stores, or disposes of any hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, the analysis must contain all the information which that must be known to treat, store, or dispose of the waste in accordance with this Part and 35 Ill. Adm. Code 728.

- 2) The analysis may include data developed under 35 Ill. Adm. Code 721 and existing published or documented data on the hazardous waste or on waste generated from similar processes.

BOARD NOTE: For example, the facility's record of analyses performed on the waste before the effective date of these regulations or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be

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managed at the facility may be included in the data base required to comply with subsection (a)(1) above, except as otherwise specified in 35 Ill. Adm. Code 728.107(b) and (c). The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1) above. If the generator does not supply the information and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.

3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:

A) When the owner or operator is notified, or has reason to believe that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), has changed; and

B) For off-site facilities, when the results of the inspection required in subsection (a)(4) below indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

4) The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

b) The owner or operator shall develop and follow a written waste analysis plan which that describes the procedures which that the owner or operator will carry out to comply with subsection (a) above. The owner or operator shall keep this plan at the facility. At a minimum, the plan must specify:

1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a) above.

2) The test methods which that will be used to test for these parameters.

3) The sampling method which that will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:

A) One of the sampling methods described in 35 Ill. Adm. Code 721. Appendix A, or

B) An equivalent sampling method.

BOARD NOTE: See 35 Ill. Adm. Code 720.120(c) for related discussion.

4) The frequency with which the initial analysis of the waste will

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be reviewed or repeated to ensure that the analysis is accurate and up-to-date.

5) For off-site facilities, the waste analysis that hazardous waste generators have agreed to supply.

6) Where applicable, the methods which that will be used to meet the additional waste analysis requirements for specific waste management methods, as specified in Sections 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475, 725.502, 725.934(d), and 725.963(d), and 725.984, and 35 Ill. Adm. Code 728.107. And

7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for:

A) The sampling of impoundment contents;

B) The analysis of test data; and

C) The annual removal of residues which that are not delisted under 35 Ill. Adm. Code 720.122 or which that exhibit a characteristic of hazardous waste and either:

i) Do not meet the applicable standards of 35 Ill. Adm. Code 728. Subpart D₂ or

ii) Where no treatment standards have been established: Such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139, or--such--residues--are--prohibited--from--land--disposal--under--35--Ill--Adm--Code--728.133(f).

8) For owners and operators seeking an exemption to the air emission standards of 724. Subpart CC of this Part in accordance with Section 725.983:

A) The procedures and schedules for waste sampling and analysis, and the analysis of test data to verify the exemption.

B) Each generator's notice and certification of the volatile organic concentration in the waste if the waste is received from offsite.

c) For off-site facilities, the waste analysis plan required in subsection (b) above must also specify the procedures which that will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:

1) The procedures which that will be used to determine the identity of each movement of waste managed at the facility; and

2) The sampling method which that will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling.

3) The procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 725.114 Security

a) The owner or operator must prevent the unknown entry and minimize the possibility for the unauthorized entry of persons or livestock onto the active portion of his facility, unless:

- 1) Physical contact with the waste, structures, or equipment of the active portion of the facility will not injure unknown or unauthorized persons or livestock which that may enter the active portion of a the facility; and
- 2) Disturbance of the waste or equipment by the unknown or unauthorized entry of persons or livestock onto the active portion of a facility will not cause a violation of the requirements of this part Part.

b) Unless exempt under paragraphs subsections (a)(1) and (a)(2) of--this section above, a facility must have:

- 1) A 24-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) which that continuously monitors and controls entry into the active portion of the facility; or

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2) Controlled access, including the following minimum elements:

- A) An artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff) --which that completely surrounds the active portion of the facility; and
- B) A means to control entry at all times through the gates or other entrances to the active portion of the facility (e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility).

BOARD NOTE: The requirements of paragraph subsection (b) of this--section above are satisfied if the facility or plant within which the active portion is located itself has a surveillance system or a barrier and a means to control entry which that complies with the requirements of paragraph subsection (b)(1) or (b)(2) of--this section.

c) Unless exempt under paragraphs subsection (a)(1) and or (a)(2) of--this section above, a sign with the legend, "Danger--Unauthorized Personnel Keep Out," must be posted at each entrance to the active portion of a facility and at other locations, in sufficient numbers to be seen from any approach to this active portion. The sign must be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger--Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion and that entry onto the active portion can be dangerous.

BOARD NOTE: See Section 725.217(b) for discussion of security

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requirements at disposal facilities during the post-closure care period.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 725.115 General Inspection Requirements

a) The owner or operator shall inspect the facility for malfunctions and deterioration, operator errors and discharges which that may be causing -- or may lead to -- the conditions listed below. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

- 1) Release of hazardous waste constituents to the environment, or
- 2) A threat to human health.

b) Written schedule.

- 1) The owner or operator shall develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.

2) The owner or operator shall keep this schedule at the facility.

- 3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) which that are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).

- 4) The frequency of inspection may vary for the items on the schedule. However, it should be based on the rate of deterioration, of the equipment and the probability of an environmental or human health incident if the deterioration, malfunctions, or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in Sections 725.274, 725.293, 725.295, 725.326, 725.360, 725.378, 725.404, 725.447, 725.477, 725.503, 725.933, 725.952, 725.953, and 725.958, 725.989, and 725.991(b), where applicable.

c) The owner or operator shall remedy any deterioration or malfunction of equipment or structure which that the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

d) The owner or operator shall record inspections in an inspection log or summary. The owner or operator shall keep these records for at least three years from the date of inspection. At a minimum, these records

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must include the date and time of the inspection, the name of the inspector, a notation of the observations made and the date, and nature of any repairs or other remedial actions.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 725.117 General Requirements for Ignitable, Reactive, or Incompatible Wastes

- a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction, including, but not limited to, open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical or mechanical), spontaneous ignition (e.g. from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.
- b) Where specifically required by other sections Sections of this part Part, the treatment, storage, or disposal of ignitable or reactive waste and the mixture or commingling of incompatible waste or incompatible wastes and materials, must be conducted so that it does not:

- 1) Generate extreme heat or pressure, fire or explosion, or violent reaction;
- 2) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;
- 3) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;
- 4) Damage the structural integrity of the device or facility containing the waste; or
- 5) Through other like means, threaten human health or the environment.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section 725.150 Applicability

The regulations in this subpart Subpart apply to owners and operators of all hazardous waste facilities, except as Section 725.101 provides otherwise.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 725.156 Emergency Procedures

- a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) shall immediately:

- 1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
- 2) Notify appropriate state or local agencies with designated response roles if their help is needed.

- b) Whenever there is a release, fire, or explosion, the emergency coordinator shall immediately identify the character, exact source, amount, and a real extent of any released materials. He or she may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.

- c) Concurrently, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water runoffs from water or chemical agents used to control fire and heat-induced explosions).

- d) If the emergency coordinator determines that the facility has had a release, fire, or explosion that could threaten human health or the environment outside the facility, he or she shall report his findings as follows:

- 1) If his assessment indicates that evacuation of local areas may be advisable, he or she shall immediately notify appropriate local authorities. He or she must be available to help appropriate officials decide whether local areas should be evacuated; and
- 2) He or she shall immediately notify either the government official designated as the on-scene coordinator for that geographical area (in the applicable regional contingency plan under 40 CFR Part 300), or the National Response Center (using their 24-hour toll free number 800-424-8802). The report must include:
 - A) Name and telephone number of reporter;
 - B) Name and address of facility;
 - C) Time and type of incident (e.g., release, fire);
 - D) Name and quantity of ~~materials~~ materials involved, to the extent known;
 - E) The extent of injuries, if any; and
 - F) The possible hazards to human health or the environment outside the facility.
- e) During an emergency the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping

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processes and operations, collecting and containing released waste, and removing or isolating containers.

f) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

g) Immediately after an emergency, the emergency coordinator shall provide for treating, storing, or disposing of recovered waste, contaminated soil, or surface water, or any other material that results from a release, fire, or explosion at the facility.

CommentBOARD NOTE: Unless the owner or operator can demonstrate in accordance with Section 721.103(ed) or (de) that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with all applicable requirements of Parts 722, 723, and 725.

h) The emergency coordinator shall ensure that, in the affected area(s) of the facility:

- 1) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and
 - 2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.
- i) The owner or operator shall notify the Director and other appropriate state and local authorities that the facility is in compliance with **paragraph subsection (h) of this section** above before operations are resumed in the affected **area(s)** areas of the facility.

j) The owner or operator shall note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, it shall submit a written report on the incident to the Director. The report must include:

- 1) Name, address, and telephone number of the owner or operator;
- 2) Name, address, and telephone number of the facility;
- 3) Date, time, and type of incident (e.g., fire, explosion);
- 4) Name and quantity of ~~material(s)~~ materials involved;
- 5) The extent of injuries, if any;
- 6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
- 7) Estimated quantity and disposition of recovered material that resulted from the incident.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 725.171 Use of Manifest System

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a) If a facility receives hazardous waste accompanied by a manifest, the owner or operator or his agent must:

- 1) Sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;
- 2) Note any significant discrepancies in the manifest, f as defined in Section 725.172(a), on each copy of the manifest;

CommentBOARD NOTE: ~~The Board does not intend that the~~ owner or operator of a facility whose procedures under Section 725.113(c) include waste analysis must need not perform that analysis before signing the manifest and giving it to the transporter. Section 725.172(b), however, requires the owner or operator to report an any unreconciled discrepancy discovered during later analysis.

3) Immediately give the transporter at least one copy of the signed manifest;

4) ~~Within 30 days after the delivery, send~~ Send a copy of the manifest to each of the generator and to the Agency within 30 days of the date of delivery; and

5) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

b) If a facility receives from a rail or water (bulk shipment) transporter hazardous waste which that is accompanied by a shipping paper containing all the information required on the manifest (excluding the U.S. EPA identification numbers, generator's certification and signatures), the owner or operator or ~~his~~ its agent must:

1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

2) Note any significant discrepancies, f as defined in Section 725.172(a), in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

CommentBOARD NOTE: ~~The Board does not intend that the~~ owner or operator of a facility whose procedures under Section 725.113(c) include waste analysis must need not perform that analysis before signing the shipping paper and giving it to the transporter. Section 725.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

3) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

4) ~~Within 30 days after the delivery, send~~ Send a copy of the signed and dated manifest to the generator and to the Agency within 30 days after the delivery; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or his agent, must send a copy of the shipping paper signed and dated to the generator; and

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COMMENTBOARD NOTE: Section 35 Ill. Adm. Code 722.123(c) requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).

- 5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

- c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of Part 35 Ill. Adm. Code 722.

COMMENTBOARD NOTE: The provisions of Section 35 Ill. Adm. Code 722.134 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of Section 35 Ill. Adm. Code 722.134 only apply only to owners or operators who that are shipping hazardous waste which that they generated at that facility.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 725.173 Operating Record

- a) The owner or operator shall keep a written operating record at the facility.

- b) The following information must be recorded as it becomes available and maintained in the operating record until closure of the facility.

- 1) A description and the quantity of each hazardous waste received and the method or methods and date or dates of its treatment, storage, or disposal at the facility as required by Section 725.Appendix A;

- 2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities this information must include cross-references to specific manifest document numbers if the waste was accompanied by a manifest;

BOARD NOTE: See Sections 725.219, 725.379, and 725.409 for related requirements.

- 3) Records and results of waste analysis, waste determinations, and trial tests performed as specified in Sections 725.113, 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475, 725.502, 725.934, and 725.963, and 725.984 and 35 Ill. Adm. Code 728.104(a) and 728.107;

- 4) Summary reports and details of all incidents that require implementing the contingency plan as specified in Section 725.156(j);

- 5) Records and results of inspections as required by Sections 725.115(d) (except these data need be kept only three years);

- 6) Monitoring, testing or analytical data and corrective action data

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where required by 725.Subpart F or Sections 725.119, 725.190, 725.194, 725.291, 725.293, 725.295, 725.322, 725.323, 725.326, 725.355, 725.359, 725.360, 725.376, 725.378, 725.380(d)(1), 725.402 through 725.404, 725.447, 725.477, 725.934(c) through (f), 725.935, 725.963(d) through (i), or 725.964, 725.989 through 725.991;

BOARD NOTE: As required by Section 725.194, monitoring data at disposal facilities must be kept throughout the post-closure period.

- 7) All closure cost estimates under Section 725.242 and, for disposal facilities, all post-closure cost estimates under Section 725.244;

- 8) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105, a petition pursuant to 35 Ill. Adm. Code 728.106, or a certification under 35 Ill. Adm. Code 728.108; and the applicable notice required of a generator under 35 Ill. Adm. Code 728.107(a);

- 9) For an off-site treatment facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

- 10) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

- 11) For an off-site land disposal facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107 or 728.108;--~~whichever is applicable; and~~

- 12) For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107, except for the manifest number, and the certification and demonstration, if applicable, required under 35 Ill. Adm. Code 728.107 or 728.108;--~~whichever is applicable;~~

- 13) For an off-site storage facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108; and

- 14) For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108.

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 725.177 Additional Reports

In addition to submitting the annual report and unmanifested waste reports described in Sections 725.175 and 725.176, the owner or operator shall also report to the Agency:

- Releases, fires, and explosions, as specified in Section 725.156(j);
- Groundwater contamination and monitoring data, as specified in Section 725.193 and 725.194;
- Facility closure, as specified in Section 725.215; and
- As otherwise required by 725.Subparts AA, and BB, and CC.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART F: GROUNDWATER MONITORING

Section 725.192 Sampling and Analysis

- The owner or operator must shall obtain and analyze samples from the installed groundwater monitoring system. The owner or operator must shall develop and follow a groundwater sampling and analysis plan. HeThe owner or operator must shall keep this plan at the facility. The plan must include procedures and techniques for:

- Sample collection;
- Sample preservation and shipment;
- Analytical procedures; and
- Chain of custody control.

CommentBOARD NOTE: See "Procedures Manual For Groundwater Monitoring At Solid Waste Disposal Facilities" EPA-530/SW-6117 August-1977 and "Methods for Chemical Analysis of Water and Wastes" L EPA-600/4-79--0207-March-1979 incorporated by reference in 35 Ill. Adm. Code 720.111, for discussions of sampling and analysis procedures.

- The owner or operator must shall determine the concentration or value of the following parameters in groundwater samples in accordance with paragraphs subsections (c) and (d) of this section below:

- Parameters characterizing the suitability of the groundwater as a drinking water supply, as specified in Section 725. Appendix IIIC.
- Parameters establishing groundwater quality:
 - Chloride,
 - Iron,
 - Manganese,
 - Phenols,
 - Sodium, and
 - Sulfate.

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CommentBOARD NOTE: These parameters are to be used as a basis for comparison in the event a groundwater quality assessment is required under Section 725.193(d).

- Parameters used as indicators of groundwater contamination:
 - pH,
 - Specific Conductance,
 - Total Organic Carbon, and
 - Total Organic Halogen.

- Establishing background concentrations:

- For all monitoring wells, the owner or operator must shall establish initial background concentrations or values of all parameters specified in paragraph subsection (b) of this section above. HeThe owner or operator must shall do this quarterly for one year.

- For each of the indicator parameters specified in paragraph subsection (b)(3) above, the owner or operator shall obtain at least four replicate measurements must--be--obtained for each sample and determine the initial background arithmetic mean and variance must-be-determined by pooling the replicate measurements for the respective parameter concentrations or values in samples obtained from upgradient wells during the first year.

- After the first year, the owner or operator shall sample all monitoring wells must-be-sampled and analyze the samples analyzed with the following frequencies:
 - Samples collected to establish groundwater quality must be obtained and analyzed for the parameters specified in paragraph subsection (b)(2) of this section above at least annually.
 - Samples collected to indicate groundwater contamination must be obtained and analyzed for the parameters specified in paragraph subsection (b)(3) of this section above at least semi-annually.

- The owner or operator shall determine the elevation Belevation of the groundwater surface at each monitoring well must-be-determined each time a sample is obtained.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 725.194 Recordkeeping and Reporting

- Unless the groundwater is monitored to satisfy the requirements of Section 725.193(d)(4), the owner or operator must shall:

- Keep records of the analyses required in Section 725.192(c) and (d), the associated groundwater surface elevations required in Section 725.192(e), and the evaluations required in Section 725.193(b) throughout the active life of the facility and, for disposal facilities, also throughout the post-closure care period as well; and
- Report the following groundwater monitoring information to the

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Director Agency:

A) During the first year when initial background concentrations are being established for the facility, concentrations or values of the parameters listed in Section 725.192(b)(1) for each groundwater monitoring well, within 15 days after completing each quarterly analysis. The owner or operator must shall separately identify for each monitoring well any parameters whose concentration or value has been found to exceed the maximum contaminant levels listed in Section 725.192(b)(1).

B) Annually: concentrations or values of the parameters listed in Section 725.192(b)(3) for each groundwater monitoring well, along with the required evaluations for these parameters under Section 725.193(b). The owner or operator must shall separately identify any significant differences from initial background found in the upgradient wells, in accordance with Section 725.193(c)(1). During the active life of the facility, the owner or operator shall submit this information must-be-submitted as part of the annual report required under Section 725.175.

C) As part of the annual report required under Section 725.175: results of the evaluation of groundwater surface elevations under Section 725.193(f) and a description of the response to the evaluation, where applicable.

b) If the groundwater is monitored to satisfy the requirements of Section 725.193(d)(4), the owner or operator must shall:

1) Keep records of the analyses and evaluations specified in the plan-~~which~~ that ~~satisfies~~ satisfy the requirements of Section 725.193(d)(3) throughout the active life of the facility and, for disposal facilities, also throughout the post-closure care period as well; and

2) Annually, until final closure of the facility, submit to the Director Agency a report containing the results of his the groundwater quality assessment program ~~which~~ that includes, but is not limited to, the calculated (or measured) rate of migration of hazardous waste or hazardous waste constituents in the groundwater during the reporting period. The owner or operator shall submit this ~~this~~ report must-be-submitted as part of the annual report required under Section 725.175.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section 725.271 Condition of Containers

If a container holding hazardous waste is not in good condition or if it begins

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to leak, the owner or operator must shall transfer the hazardous waste from this container to a container that is in good condition or manage the waste in some other way that it complies with the requirements of this Part.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 725.272 Compatibility of Waste with Container

The owner or operator must shall use a container made of or lined with materials ~~which~~ that will not react with and are otherwise compatible with the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 725.274 Inspections

The owner or operator must shall inspect areas where containers are stored at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

~~Comments~~BOARD NOTE: See Section 725.271 for remedial action required if deterioration or leaks are detected.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 725.278 Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a container in accordance with the requirements of 724.Subpart CC.

(Source: Added at 19 Ill. Reg. _____, effective _____)

SUBPART J: TANK SYSTEMS

Section 725.301 Generators of 100 to 1000 kg/mo-

a) The requirements of this Section apply to small quantity generators of waste that generate more than 100 kg but less than 1000 kg of hazardous waste in a calendar month, that accumulate hazardous waste in tanks for less than 180 days (or 270 days if the generator must ship the waste greater than 200 miles), and that do not accumulate over 6,000 kg on-site at any time.

b) A generator Generators of between 100 and 1000 kg/mo hazardous waste shall comply with the following general operating requirements:

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- 1) Treatment or storage of hazardous waste in tanks must comply with Section 725.117(b)-i.
- 2) Hazardous wastes or treatment reagents must not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life-;
- 3) Uncovered tanks must be operated to ensure at least 60 centimeters (2 feet) of freeboard; unless the tank is equipped with a containment structure (e.g. dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank; and
- 4) Where hazardous waste is continuously fed into a tank, the tank must be equipped with a means to stop this inflow (e.g., waste feed cutoff system or by-pass system to a stand-by tank).

BOARD NOTE: These systems are intended to be used in the event of a leak or overflow from the tank due to a system failure (e.g., a malfunction in the treatment process, a crack in the tank, etc.).

- c) A generator Generators of between 100 and 1000 kg/mo accumulating hazardous waste in tanks shall inspect, where present:

- 1) Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;
- 2) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day to ensure that the tank is being operated according to its design;
- 3) The level of waste in the tank at least once each operating day to ensure compliance with subsection (b)(3) above;
- 4) The construction materials of the tank at least weekly to detect corrosion or leaking of fixtures or seams; and
- 5) The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).

BOARD NOTE: As required by Section 725.115(c), the owner or operator must remedy any deterioration or malfunction the owner or operator finds.

- d) A generator Generators of between 100 and 1000 kg/mo accumulating hazardous waste in tanks shall, upon closure of the facility, remove all hazardous waste from tanks, discharge control equipment and discharge confinement structures.

BOARD NOTE: At closure, as throughout the operating period, unless the owner or operator demonstrates, in accordance with 35 Ill. Adm. Code 721.103(c) or (d), that any solid waste removed from the tank is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722, 723, and 725.

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- e) A generator Generators of between 100 and 1000 kg/mo shall comply with the following special requirements for ignitable or reactive waste:
 - 1) Ignitable or reactive waste must not be placed in a tank unless:
 - A) The waste is treated, rendered, or mixed before or immediately after placement in a tank so that;
 - i) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123, and
 - ii) Section 725.117(b) is complied with; or
 - B) The waste is stored or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or
 - C) The tank is used solely for emergencies.
 - 2) The owner or operator of a facility which that treats or stores ignitable or reactive waste in covered tanks shall comply with the buffer zone requirements for tanks contained in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code," incorporated by reference in 35 Ill. Adm. Code 720.111.
- f) A generator Generators of between 100 and 1000 kg/mo shall comply with the following special requirements for incompatible wastes:
 - 1) Incompatible wastes or incompatible wastes and materials (see Appendix E for examples) must not be placed in the same tank unless Section 725.117(b) is complied with.
 - 2) Hazardous waste must not be place placed in an unwashed tank which that previously held an incompatible waste or material unless Section 725.117(b) is complied with.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 725.302 Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a tank in accordance with the requirements of 724.Subparts AA, BB, and CC.

(Source: Added at 19 Ill. Reg. _____, effective _____)

SUBPART K: SURFACE IMPOUNDMENTS

Section 725.325 Waste Analysis and Trial Tests

In addition to the waste analyses required by Section 725.113, whenever a surface impoundment is to be used to:

- a) Chemically treat a hazardous waste which that is substantially different from waste previously treated in that impoundment; or

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- b) Chemically treat hazardous waste with a substantially different process than and previously used in that impoundment~~7~~, the owner or operator must, before treating the different waste or using the different process:

- 1) Conduct waste analyses and trial treatment tests (e.g., bench scale or pilot plant scale tests); or
 - 2) Obtain written, documented information ~~or~~ on similar treatment of similar waste under similar operating conditions~~7~~, to show that this treatment will comply with Section 725.117(b).
- COMMENTBOARD NOTE:** As required by Section 725.113, the waste analyses plan must include analyses needed to comply with Sections 725.329 and 725.330. As required by Section 725.173, the owner or operator ~~must~~shall place the results from each waste analysis and trial test, or the documented information in the operating record of the facility.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 725.331 Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a surface impoundment in accordance with the requirements of 724.Subpart CC.

(Source: Added at 19 Ill. Reg. _____, effective _____)

SUBPART L: WASTE FILES

Section 725.352 Waste Analysis

- a) In addition to the waste analyses required by Section 725.113, the owner or operator ~~must~~ shall analyze a representative sample of waste from each incoming movement before adding the waste to any existing pile unless:

- 1) The only wastes the facility receives which that are amenable to piling are compatible with each other~~7~~, or
- 2) The waste received is compatible with the waste in the pile to which it is to be added.

- b) The analysis conducted must be capable of differentiating between the types of hazardous waste the owner or operator places in piles~~7~~, so that mixing of incompatible waste does not inadvertently occur. The analysis must include a visual comparison of color and texture.

COMMENTBOARD NOTE: As required by Section 725.113, the waste analysis plan must include analyses needed to comply with Sections 725.356 and 725.357. As required by Section 725.173, the owner or operator must place the results of this analysis in the operating record of the facility.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART M: LAND TREATMENT

Section 725.378 Unsaturated Zone (Zone of Aeration) Monitoring

- a) The owner or operator ~~must~~ shall have in writing and ~~must~~ shall implement~~7~~, an unsaturated zone monitoring plan which that is designed to:

- 1) Detect the vertical migration of hazardous waste and hazardous waste constituents under the active portion of the land treatment facility~~7~~, and
- 2) Provide information on the background concentrations of the hazardous waste and hazardous waste constituents in similar but untreated soil nearby~~7~~. ~~this~~ This background monitoring must be conducted before or in conjunction with the monitoring required under ~~paragraph~~ subsection (a)(1) ~~of this section~~ above.

- b) The unsaturated zone monitoring plan must include, at a minimum:

- 1) Soil monitoring using soil cores, and
- 2) Soil-pore water monitoring using devices, such as lysimeters.

- c) To comply with ~~paragraph~~ subsection (a)(1) ~~of this section~~ above, the owner or operator must demonstrate in his unsaturated zone monitoring plan that:

- 1) The depth at which soil and soil-pore water samples are to be taken is below the depth to which the waste is incorporated into the soil;
- 2) The number of soil and soil-pore water samples to be taken is based on the variability of:

- A) The hazardous waste constituents (as identified in Section 725.373(a) and (b)) in the waste and in the soil~~7~~, and

- B) The soil types~~7~~; and

- 3) The frequency and timing of soil and soil-pore water sampling is based on the frequency, time~~7~~, and rate of waste application, proximity to ground water~~7~~, and soil permeability.

- d) The owner or operator ~~must~~shall keep at the facility ~~hits~~ unsaturated zone monitoring plan and the rationale used in developing this plan.

- e) The owner or operator ~~must~~ shall analyze the soil and soil-pore water samples for the hazardous waste constituents that were found in the waste during the waste analysis under Section 725.373(a) and (b).

COMMENTBOARD NOTE: As required by Section 725.173, the owner or operator must place all data and information developed by the owner or operator under this ~~section~~ Section ~~must be placed in the operating record of the facility~~.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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SUBPART P: THERMAL TREATMENT

Section 725.477 Monitoring and Inspections

The owner or operator must shall conduct, as a minimum, the following monitoring and inspections when thermally treating hazardous waste:

- a) Existing instruments which that relate to temperature and emission control (if an emission control device is present) must be monitored at least every 15 minutes. Appropriate corrections to maintain steady state or other appropriate thermal treatment conditions must be made immediately either automatically or by the operator. Instruments which that relate to temperature and emission control would normally include those measuring waste feed, auxiliary fuel feed, treatment process temperature and relevant process flow and level controls.
- b) The stack plume (emissions), where present, must be observed visually at least hourly for normal appearance (color and opacity). The operator must immediately make any indicated operating corrections necessary to return any visible emissions to their normal appearance.
- c) The complete thermal treatment process and associated equipment (pumps, valves, conveyors, pipes, etc.) must be inspected at least daily for leaks, spills and fugitive emissions, and all emergency shutdown controls and system alarms must be checked to assure proper operation.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART Q: CHEMICAL, PHYSICAL AND BIOLOGICAL TREATMENT

Section 725.501 General Operating Requirements

- a) Chemical, physical or biological treatment of hazardous waste must comply with Section 725.117(b).
- b) Hazardous waste or treatment reagents must not be placed in the treatment process or equipment if they could cause the treatment process or equipment to rupture, leak, corrode, or otherwise fail before the end of its intended life.
- c) Where hazardous waste is continuously fed into a treatment process or equipment, the process or equipment must be equipped with a means to stop this inflow (e.g., a waste feed cutoff system or bypass system to a standby containment device).

Comment/BOARD NOTE: These systems are intended to be used in the event of a malfunction in the treatment process or equipment.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 725.502 Waste Analysis and Trial Tests

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- a) In addition to the waste analysis required by Section 725.113, **paragraph** subsection (b) above applies whenever:

- 1) A hazardous waste which that is substantially different from waste previously treated in a treatment process or equipment at the facility is to be treated in that process or equipment, or

- 2) A substantially different process from any previously used at the facility is to be used to chemically treat hazardous waste.

- b) To show that this proposed treatment will meet all applicable requirements of Section 725.501(a) and (b), the owner or operator must, before treating the different waste or using the different process or equipment:

- 1) Conduct waste analyses and trial treatment tests (e.g., bench scale or pilot plant scale tests), or
- 2) Obtain written, documented information on similar treatment of similar waste under similar operating conditions.

Comment/BOARD NOTE: As required by Section 725.113, the waste analysis plan must include analyses needed to comply with Sections 725.505 and 725.506. As required by Section 725.173, the owner or operator must shall place the results from each waste analysis and trial test, or the documented information, in the operating record of the facility.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 725.503 Inspections

The owner operator of a treatment facility must shall inspect, where present:

- a) Discharge control and safety equipment (e.g., waste feed cutoff systems, bypass systems, drainage systems and pressure relief systems) at least once each operating day to ensure that it is in good working order;
- b) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day to ensure that the treatment process or equipment is being operated according to its design;
- c) The construction materials of the treatment process or equipment at least weekly to detect corrosion or leaking of fixtures or seams; and
- d) The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).

Comment/BOARD NOTE: As required by Section 725.115(c), the owner or operator must remedy any deterioration or malfunction he it finds.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 725.504 Closure

At closure, all hazardous waste and hazardous waste residues must be removed from treatment processes or equipment, discharge control equipment, and discharge confinement structures.

~~Comment-BOARD NOTE:~~ At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with Section 35 Ill. Adm. Code 721.103 (c) or (d), that any solid waste removed from his treatment process or equipment is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of Parts 35 Ill. Adm. Code 722, 723, and 725.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 725.505 Special Requirements for Ignitable or Reactive Waste

Ignitable or reactive waste must not be placed in a treatment process or equipment unless:

- a) The waste is treated, rendered or mixed before or immediately after placement in the treatment process or equipment so that
 - 1) The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under Section 721.121 or 721.123, and
 - 2) Section 725.117(b) is complied with; or
- b) The waste is treated in such a way that it is protected from any material or conditions which that may cause the waste to ignite or react.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 725.506 Special Requirements for Incompatible Wastes

- a) An owner or operator shall not place incompatible ~~incompatible~~ wastes or incompatible wastes and materials (see Section 725.117(b) for examples) ~~must not be placed~~ in the same treatment process or equipment unless it complies with Section 725.117(b) ~~is complied with~~.
- b) An owner operator shall not place hazardous ~~hazardous~~ waste ~~must not be placed~~ in unwashed treatment equipment ~~which~~ that previously held an incompatible waste or material, unless it complies with Section 725.117(b) ~~is complied with~~.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

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Section 725.933 Standards: Closed-vent Systems and Control Devices

a) Compliance Required.

- 1) Owners or operators of closed-vent systems and control devices used to comply with provisions of this Part shall comply with the provisions of this Section.
- 2) The owner or operator of an existing facility ~~who~~ that cannot install a closed-vent system and control device to comply with the provisions of this Subpart on the effective date that the facility becomes subject to the provisions of this Subpart shall prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 18 months after the effective date that the facility becomes subject to this Subpart for installation and startup. All units that begin operation after December 21, 1990, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 2-year implementation schedule does not apply to these units.

- b) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 725.932(a)(1) for all affected process vents is attained at an efficiency less than 95 weight percent.

- c) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds, not carbon equivalents, on a dry basis corrected to 3 percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760° C. If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame combustion zone of the boiler or process heater.

d) Flares

- 1) A flare must be designed for and operated with no visible emissions as determined by the methods specified in subsection (e)(1) below except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.
- 2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(c) below.
- 3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted, or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or

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greater if the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2) below.

- 4) Exit Velocity.
 - A) A steam-assisted or nonassisted flare must be designed for an operated with an exit velocity, as determined by the methods specified in subsection (e)(3) below, less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (d)(4)(C) below.
 - B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) below, equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).
 - C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) below, less than the velocity, V as determined by the method specified in subsection (e)(4) and less than 122 m/s (400 ft/s) is allowed.
- 5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V as determined by the method specified in subsection (e)(5) below.
- 6) A flare used to comply with this Section must be steam-assisted, air-assisted, or nonassisted.

- e) 1) Reference Method 22 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to determine the compliance of a flare with the visible emission provisions of this Subpart. The observation period is 2 hours and must be used according to Method 22.
- 2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H[T] = K \times \sum_{i=1}^n (C[i] \times H[i])$$

$$H = K - \sum (C[i] - H[i])$$

Where:

H[T] is the net heating value of the sample in MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25° C and 760 mm Hg, but the standard temperature for determining the volume corresponding to 1 mole is 20° C.

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$K = 1.74 \times 10^{(-7)} B^{-7}$ (1/ppm) (g mol/scm) (MJ/kcal) where standard temperature for a (g mol/scm) 20° C.

$SUM(Xi) \times SUM(X[i])$ means the sum of the values of X for each component i, from i=1 to n.

C[i] is the concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 in 40 CFR 60, and for carbon monoxide, by ASTM D 1946-90, incorporated by reference in 35 Ill. Adm. Code 720.111.

H[i] is the net heat of combustion of sample component i, kcal/gmol at 25° C and 760 mm Hg. The heats of combustion must be determined using ASTM D 2382-88, incorporated by reference in 35 Ill. Adm. Code 720.111, if published values are not available or cannot be calculated.

- 3) The actual exit velocity of a flare must be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

- 4) The maximum allowed velocity in m/s, V for a flare complying with subsection (d)(4)(C) above must be determined by the following equation:

$$\log[10] V[\max] = \frac{H[T] + 28.8}{31.7}$$

$$566(Y) = (H + 30.8) - 31.7$$

Where:

566Log[10] means logarithm to the base 10

H is the net heating value as determined in subsection (e)(2) above.

- 5) The maximum allowed velocity in m/s, V for an air-assisted flare must be determined by the following equation:

$$V = 8.706 + 0.7084 H[T]$$

$$Y = 8.706 + 0.7084 H$$

Where:

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H is the net heating value as determined in subsection (e)(2) above.

F) The owner or operator shall monitor and inspect each control device required to comply with this Section to ensure proper operation and maintenance of the control device by implementing the following requirements:

1) Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of vent stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor must be installed in the vent stream at the nearest feasible point to the control device inlet but before being combined with other vent streams.

2) Install, calibrate, maintain, and operate according to the manufacturer's specifications a device to continuously monitor control device operation as specified below:

A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of $\pm 1 \pm 1$ percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.

B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of $\pm 1 \pm 1$ percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.

C) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.

D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.

E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure ~~parameters~~ parameters that indicates good combustion operating practices are being used.

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F) For a condenser, either:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or

ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. One temperature sensor must be installed at a location in the exhaust vent stream from the condenser, and a second temperature sensor must be installed at a location in the coolant fluid exiting the condenser.

G) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly in the control device, either:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed; or

ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.

3) Inspect the reading from each monitoring device required by subsection (f)(1) and (f)(2) above at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measure necessary to ensure the control device operates in compliance with the requirements of this Section.

g) An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life established as a requirement of Section 725.935(b)(4)(C)(vi).

h) An owner or operator using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:

1) Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater

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than 20 percent of the time required to consume the total carbon working capacity established as a requirement of Section 725.935(b)(4)(C)(vii), whichever is longer.

- 2) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 725.935(b)(4)(C)(vii).

- 1) An owner or operator of an affected facility seeking to comply with the provisions of this Part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.

- j) Closed vent systems.

- 1) Closed-vent systems must be designed for and operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background and by visual inspections, as determined by the methods specified at Section 725.934(b).

- 2) Closed-vent systems must be monitored to determine compliance with this Section during the initial leak detection monitoring, which must be conducted by the date that the facility becomes subject to the provisions of this Section annually, and at other times as specified by the Agency pursuant to Section 725.930(c). For the annual leak detection monitoring after the initial leak detection monitoring, the owner or operator is not required to monitor those closed-vent system components that continuously operate in vacuum service or those closed vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of metal pipe or a bolted and gasketed pipe flange).

- 3) Detectable emissions, as indicated by an instrument reading greater than 500 ppm and visual inspections, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected.

- 4) A first attempt at repair must be made no later than 5 calendar days after the emission is detected.

- k) Closed-vent systems and control devices used to comply with provisions of this Subpart must be operated at all times when emissions may be vented to them.

- l) The owner or operator using a carbon adsorption system shall document that all carbon removed from the control device is managed in one of the following manners:

- 1) It is regenerated or reactivated in a thermal treatment unit that is permitted under 35 Ill. Adm. Code 724.Subpart X or 725.Subpart P;
- 2) It is incinerated by a process that is permitted under 35 Ill.

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Adm. Code 724.Subpart O or 725.Subpart O; or
 3) It is burned in a boiler or industrial furnace that is permitted under 35 Ill. Adm. Code 726.Subpart H.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section 725.963 Test Methods and Procedures

- a) Each owner or operator subject to the provisions of this Subpart shall comply with the test methods and procedures requirements provided in this Section.

- b) Leak detection monitoring, as required in Sections 725.952 through 725.962, must comply with the following requirements:

- 1) Monitoring must comply with Reference Method 21 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.

- 2) The detection instrument must meet the performance criteria of Reference Method 21.

- 3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

- 4) Calibration gases must be:
 - A) Zero air (less than 10 ppm of hydrocarbon in air).
 - B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.

- 5) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.

- c) When equipment is tested for compliance with no detectable emissions, as required in Sections 725.952(e), 725.953(i), 725.954, and 725.957(f), the test must comply with the following requirements:

- 1) The requirements of subsections (b)(1) through (b)(4) above apply.
- 2) The background level must be determined as set forth in Reference Method 21.
- 3) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
- 4) This arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

- d) In accordance with the waste analysis plan required by Section 725.113(b), an owner or operator of a facility shall determine, for each piece of equipment, whether the equipment contains or contains a hazardous waste with organic concentration that equals or exceeds 10 percent by weight using the following:

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- 1) Methods described in ASTM Methods D 2267-88, E 169-87, or E 260-85, incorporated by reference in 35 Ill. Adm. Code 720.111;
- 2) Method 9060 or 8240 of SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111; or
- 3) Application of the knowledge of the nature of the hazardous waste stream or the process by which it was produced. Examples of documentation that must be used to support a determination under this provision include production process information documenting that no organic compounds are used, information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to have a total organic content less than 10 percent, or prior speciation analysis results on the same wastestream where it is also documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.
- e) If an owner or operator determines that a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the determination can be revised only after following the procedures in subsection (d)(1) or (d)(2) above.
- f) When an owner or operator and the Agency do not agree on whether a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the procedures in subsection (d)(1) or (d)(2) above must be used to resolve the dispute.
- g) Samples used in determining the percent organic content must be representative of the highest total organic content hazardous waste that is expected to be contained in or contact the equipment.
- h) To determine if pumps or valves are in light liquid service, the vapor pressures of constituents must either be obtained from standard reference texts or be determined by ASTM D-2879-86, incorporated by reference in 35 Ill. Adm. Code 720.111.
- i) Performance tests to determine if a control device achieves 95 weight percent organic emission reduction must comply with the procedures of Section 725.934(c)(1) through (c)(4).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS,
SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 725.980 Applicability

- a) The requirements of this Subpart apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to either 725.Subparts I,

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- J, or K, except as Section 725.1 and subsection (b) below provide otherwise.
- b) The requirements of this Subpart do not apply to the following waste management units at the facility:
 - 1) A waste management unit that holds hazardous waste placed in the unit before June 5, 1995 and in which no hazardous waste is added to the unit on or after June 5, 1995.
 - 2) A container that has a design capacity less than or equal to 0.1 m(3) (3.5 ft(3) or 26.4 gal).
 - 3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
 - 4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
 - 5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is generated as the result of implementing remedial activities required pursuant to the Act or Board regulations or under the corrective action authorities of RCRA sections 3004(u), 3004(v) or 3008(h); CERCLA authorities; or similar federal or state authorities.
 - 6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act (42 U.S.C. 2011 et seq.) and the Nuclear Waste Policy Act.
- c) For the owner and operator of a facility subject to this Subpart who has received a final RCRA permit prior to June 5, 1995, the following requirements apply:
 - 1) The requirements of 35 Ill. Adm. Code 724.Subpart CC must be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705.
 - 2) Until the date when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705, the owner and operator is subject to the requirements of this Subpart.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 725.981 Definitions

As used in this Subpart and in 35 Ill. Adm. Code 724, all terms not defined herein shall have the meaning given to them in the Act and 35 Ill. Adm. Code 720 through 726.

"Average volatile organic concentration" or "average VO concentration"

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means the mass-weighted average volatile organic concentration of a hazardous waste, as determined in accordance with the requirements of Section 725.984.

"Cover" means a device or system that is placed on or over a hazardous waste such that the entire hazardous waste surface area is enclosed and sealed to reduce air emissions to the atmosphere. A cover may have openings such as access hatches, sampling ports, and gauge wells that are necessary for operation, inspection, maintenance, or repair of the unit on which the cover is installed provided that each opening is closed and sealed when not in use. Examples of covers include a fixed roof installed on a tank, a floating membrane cover installed on a surface impoundment, a lid installed on a drum, or an enclosure in which an open container is placed during waste treatment.

"External floating roof" means a pontoon or double-deck type floating roof that rests on the surface of a hazardous waste being managed in a tank that has no fixed roof.

"Fixed roof" means a rigid cover that is installed in a stationary position so that it does not move with fluctuations in the level of the hazardous waste placed in a tank.

Floating membrane cover" means a cover consisting of a synthetic flexible membrane material that rests upon and is supported by the hazardous waste being managed in a surface impoundment.

"Floating roof" means a pontoon-type or double-deck-type cover that rests upon and is supported by the hazardous waste being managed in a tank, and is equipped with a closure seal or seals to close the space between the cover edge and the tank wall.

"Internal floating roof" means a floating roof that rests or floats on the surface (but not necessarily in complete contact with it) of a hazardous waste being managed in a tank that has a fixed roof.

"Liquid-mounted seal" means a foam or liquid-filled primary seal mounted in contact with the hazardous waste between the tank wall and the floating roof, continuously around the circumference of the tank.

"Maximum organic vapor pressure" means the equilibrium partial pressure exerted by the hazardous waste contained in a tank, determined at the temperature equal to either:

The local maximum monthly average temperature as reported by the National Weather Service, when the hazardous waste is stored or treated at ambient temperature, or

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The highest calendar-month average temperature of the hazardous waste, when the hazardous waste is stored at temperatures above the ambient temperature or when the hazardous waste is stored or treated at temperatures below the ambient temperature.

"No detectable organic emissions" means no escape of organics from a device or system to the atmosphere, as determined:

By an instrument reading less than 500 parts per million by volume (ppmv) above the background level at each joint, fitting, and seal, when measured in accordance with the requirements of Method 21 in 40 CFR Part 60, Appendix A, and

By no visible openings or defects in the device or system such as rips, tears, or gaps.

"Point of waste origination" means as follows:

When the facility owner or operator is the generator of the hazardous waste, the "point of waste origination" means the point where a solid waste produced by a system, process, or waste management unit is determined to be a hazardous waste, as defined in 40 CFR Part 261.

BOARD NOTE: In this case, this term is being used in a manner similar to the use of the term "point of generation" in air standards established for waste management operations under authority of the federal Clean Air Act in 40 CFR Parts 60, 61, and 63.

When the facility owner and operator are not the generator of the hazardous waste, "point of waste origination" means the point where the owner or operator accepts delivery or takes possession of the hazardous waste.

"Point of waste treatment" means the point where a hazardous waste exits a waste management unit used to destroy, degrade, or remove organics in the hazardous waste.

"Vapor-mounted seal" means a foam-filled primary seal mounted continuously around the circumference of the tank so that there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the hazardous waste surface, and the floating roof.

"Volatile organic concentration" or "VO concentration" means the fraction by weight of organic compounds in a hazardous waste expressed in terms of parts per million (ppmw), as determined by direct measurement, using Method 25D, or by knowledge of the waste, in accordance with the requirements of Section 725.984.

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"Waste determination" means performing all applicable procedures in accordance with the requirements of Section 725.984 to determine whether a hazardous waste meets standards specified in this Subpart. Examples of a waste determination include performing the procedures in accordance with the requirements of Section 725.984 to determine the average VO concentration of a hazardous waste at the point of waste origination, determining the average VO concentration of a hazardous waste at the point of waste treatment and comparing the results to the exit concentration limit specified for the process used to treat the hazardous waste, determining the organic reduction efficiency and the organic biodegradation efficiency for a biological process used to treat a hazardous waste and comparing the results to the applicable standards, or determining the maximum volatile organic vapor pressure for a hazardous waste in a tank and comparing the results to the applicable standards.

"Waste stabilization process" means any physical or chemical process used to either reduce the mobility of hazardous constituents in a hazardous waste or eliminate free liquids as determined by Test Method 9095 (Paint Filter Liquids Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", incorporated by reference in Section 720.111. A waste stabilization process includes mixing the hazardous waste with binders or other materials and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to this process are "waste fixation" or "waste solidification".

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 725.982 Schedule for Implementation of Air Emission Standards

- a) Owners or operators of facilities existing on June 5, 1995 and subject to 725.Subparts I, J, and K shall meet the following requirements:
- 1) The owner or operator shall install and begin operation of all control equipment required by this Subpart by June 5, 1995, except as provided in subsection (a)(2) below.
 - 2) When control equipment required by this Subpart cannot be installed and in operation by June 5, 1995, the owner or operator shall:
 - A) Install and begin operation of the control equipment as soon as possible, but in no case later than December 8, 1997.
 - B) Prepare an implementation schedule that includes the following information: specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the

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installed equipment meets the applicable standards of this Subpart.

- C) For facilities subject to the recordkeeping requirements of Section 725.173, the owner or operator shall enter the implementation schedule specified in subsection (a)(2)(B) above in the operating record no later than June 5, 1995.

- D) For facilities not subject to Section 725.173 above, the owner or operator shall enter the implementation schedule specified in subsection (a)(2)(B) of this section in a permanent, readily available file located at the facility no later than June 5, 1995.

- b) An owner or operator of facilities in existence on the effective date of statutory or regulatory amendments under the Act that render the facility subject to 725.Subparts I, J, or K shall meet the following requirements:

- 1) The owner or operator shall install and begin operation of all control equipment required by this Subpart by the effective date of the amendment, except as provided in subsection (b)(2) below.
- 2) When control equipment required by this Subpart cannot be installed and begin operation by the effective date of the amendment, the owner or operator shall:

- A) Install and operate the control equipment as soon as possible, but in no case later than 30 months after the effective date of the amendment.
- B) For facilities subject to the recordkeeping requirements of Section 725.173, enter and maintain the implementation schedule specified in subsection (a)(2)(B) above in the operating record no later than the effective date of the amendment, or

- C) For facilities not subject to Section 725.173, the owner or operator shall enter and maintain the implementation schedule specified in subsection (a)(2)(B) above in a permanent, readily available file, located at the facility site, no later than the effective date of the amendment.
- c) The Agency may elect to extend the implementation date for control equipment at a facility, on a case by case basis, to a date later than December 8, 1997:

- 1) When special circumstances that are beyond the facility owner's or operator's control delay installation or operation of control equipment, and
- 2) The owner or operator has made all reasonable and prudent attempts to comply with the requirements of this Subpart.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 725.983 Standards: General

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- a) This Section applies to the management of hazardous waste in tanks, surface impoundments, and containers subject to this Subpart.
- b) The owner or operator shall control air emissions from each waste management unit in accordance with standards specified in Sections 725.985 through Section 725.988, as applicable to the waste management unit, except as provided for in subsection (c) below.
- c) A waste management unit is exempted from standards specified in Section 725.985 through Section 725.988, provided that all hazardous waste placed in the waste management unit is determined by the owner or operator to meet either of the following conditions:
- i) The average VO concentration of the hazardous waste at the point of waste origination is less than 100 parts per million by weight (ppmw). The average VO concentration must be determined by the procedures specified in Section 725.984(a).
 - 2) The organic content of the hazardous waste has been reduced by an organic destruction or removal process that achieves any one of the following conditions:
 - A) The process removes or destroys the organics contained in the hazardous waste to such a level that the average VO concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (C(t)) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process must be determined using the procedures specified in Section 725.984(b).
 - B) The process removes or destroys the organics contained in the hazardous waste to such a level that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 50 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment must be determined using the procedures specified in Section 725.984(b).
 - C) The process removes or destroys the organics contained in the hazardous waste to such a level that the actual organic mass removal rate (MR) for the process is greater than the required organic mass removal rate (RMR) established for the process. The required organic mass removal rate and the actual organic mass removal rate for the process must be determined using the procedures specified in Section 725.984(b).
 - D) The process is a biological process that destroys or degrades the organics contained in the hazardous waste so that either of the following conditions is met:
 - i) The organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the

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- organic biodegradation efficiency (R(bio)) for the process is equal to or greater than 95 percent. The organic reduction efficiency and the organic biodegradation efficiency for the process must be determined in accordance with the procedures specified in Section 725.984(b).
- ii) The total actual organic mass biodegradation rate (NR(bio)) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process must be determined using the procedures specified in Section 725.984(b).
- E) The process is one that removes or destroys the organics contained in the hazardous waste and meets all of the following conditions:
- i) All of the materials entering the process are hazardous wastes.
 - ii) From the point of waste origination through the point where the hazardous waste enters the process, the hazardous waste is continuously managed in waste management units that use air emission controls in accordance with the standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.
 - iii) The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination determined for each of the individual hazardous waste streams entering the process or 100 ppmw, whichever value is lower. The average VO concentration of each individual hazardous waste stream at the point of waste origination must be determined using the procedure specified in Section 725.984(a). The average VO concentration of the hazardous waste at the point of waste treatment must be determined using the procedure specified in Section 725.984(b).
- F) A hazardous waste incinerator for which the owner or operator has either:
- i) Been issued a final permit under 35 Ill. Adm. Code 703 and 705, and the owner or operator designs and operates the unit in accordance with the requirements of 35 Ill. Adm. Code 724.Subpart O; or
 - ii) The owner or operator has certified compliance for the unit with the interim status requirements of 725.Subpart O.
- G) A boiler or industrial furnace for which the owner or

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operator has either:

- i) Been issued a final permit under 35 Ill. Adm. Code 703 and 705, and the owner or operator designs and operates the unit in accordance with the requirements of 35 Ill. Adm. Code 726.Subpart H, or
- ii) The owner or operator has certified compliance for the unit with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.

d) When a process is used for the purpose of treating a hazardous waste to meet one of the sets of conditions specified in subsections (c)(2)(A) through (c)(2)(E) above, each material removed from or exiting the process that is not a hazardous waste but which has an average VO concentration equal to or greater than 100 ppmw must be managed in a waste management unit in accordance with the requirements of subsection (b) above.

e) The Agency may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container that is exempted from using air emission controls under the provisions of this Section as follows:

- 1) The waste determination for average VO concentration of a hazardous waste at the point of waste origination must be performed using direct measurement in accordance with the applicable requirements of Section 725.984(a). The waste determination for a hazardous waste at the point of waste treatment must be performed in accordance with the applicable requirements of Section 725.984(b).

2) Where the owner or operator is requested to perform the waste determination, the Agency may elect to have an authorized representative observe the collection of the hazardous waste samples used for the analysis.

3) Where the results of the waste determination performed or requested by the Agency do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of subsection (e)(1) above must be used to establish compliance with the requirements of this Subpart.

4) Where the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the Agency may elect to establish compliance with this Subpart by performing or requesting that the owner or operator perform a waste determination using direct measurement, based on waste samples collected within a 1-hour period as follows:

- A) The average VO concentration of the hazardous waste at the point of waste origination must be determined by direct measurement in accordance with the requirements of Section

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725.984(a).

B) Results of the waste determination performed or requested by the Agency showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 100 ppmw shall constitute noncompliance with this Subpart, except in a case as provided for in subsection (e)(4)(C) below.

C) Where the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 100 ppmw but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for any given 1-hour period may be equal to or greater than 100 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of Sections 725.984(a) and 725.990 must be considered by the Agency together with the results of the waste determination performed or requested by the Agency in establishing compliance with this Subpart.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 725.984 Waste Determination Procedures

a) Waste determination procedure for volatile organic (VO) concentration of a hazardous waste at the point of waste origination.

- 1) An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls in accordance with standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.

2) When the facility owner or operator is the generator of the hazardous waste, the owner or operator shall determine the average VO concentration of the hazardous waste using either direct measurement, as specified in subsection (a)(5) below, or knowledge of the waste, as specified in subsection (a)(6) below, for each hazardous waste generated as follows:

- A) When the hazardous waste is generated as part of a continuous process, the owner or operator shall:
 - i) Perform an initial waste determination of the average VO concentration of the waste stream before the first time any portion of the material in the waste stream

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is placed in a waste management unit subject to this Subpart and thereafter update the information used for the waste determination at least once every 12 months following the date of the initial waste determination; and

- ii) Perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the applicable VO concentration limits specified in Section 725.983.

- B) When the hazardous waste is generated as part of a batch process that is performed repeatedly but not necessarily continuously, the owner or operator shall:

- i) Perform an initial waste determination of the average VO concentration for one or more representative waste batches generated by the process, before the first time any portion of the material in the batches is placed in a waste management unit subject to this Subpart, and thereafter update the information used for the waste determination at least once every 12 months following the date of the initial waste determination; and

- ii) Perform a new waste determination whenever changes to the process generating the waste batches are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the applicable VO concentration limits specified in Section 725.983.

- 3) When the facility owner and operator is not the generator of the hazardous waste, the owner or operator shall determine the average VO concentration of the hazardous waste using either direct measurement, as specified in subsection (a)(5) below, or knowledge of the waste, as specified in subsection (a)(6) below, for each hazardous waste entering the facility as follows:

- A) When the hazardous waste enters the facility as a continuous flow of material through a pipeline or other means (e.g., wastewater stream), the owner or operator shall:

- i) Perform an initial waste determination of the waste stream before the first time any portion of the material in the waste stream is placed in a waste management unit subject to this Subpart, and thereafter update the information used for the waste determination at least once every 12 months following the date of the initial waste determination; and

- ii) Perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the

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hazardous waste to increase to a level that is equal to or greater than the applicable VO concentration limits specified in Section 725.983.

- B) When the hazardous waste enters the facility in a container, the owner or operator shall perform a waste determination for the material held in each container.

- 4) Where the average VO concentration of the hazardous waste is determined by the owner or operator to be less than 100 ppmw, but because of normal operating variations in the source or process generating the hazardous waste the VO concentration of the hazardous waste may be equal to or greater than 100 ppmw at any given time during the averaging period, the owner or operator shall prepare and enter in the facility operating record information that specifies the following:

- A) The maximum and minimum VO concentration values for the hazardous waste that occur during that averaging period used for the waste determination;

- B) The operating conditions or circumstances under which the VO concentration of the hazardous waste will be equal to or greater than 100 ppmw; and

- C) The information and calculations used by the owner or operator to determine the average VO concentration of the hazardous waste.

- 5) Procedure for using direct measurement to determine average VO concentration of a hazardous waste at the point of waste origination.

- A) The owner or operator shall identify and record the point of waste origination for the hazardous waste. All waste samples used to determine the average VO concentration of the hazardous waste must be collected at this point.

- B) The owner or operator shall designate and record the averaging period to be used for determining the average VO concentration for the hazardous waste. The averaging period must not exceed one year. An initial waste determination must be performed for each averaging period.

- C) The owner or operator shall identify each discrete quantity of the material composing the hazardous waste represented by the averaging period designated in subsection (a)(5)(B) above. An example of a discrete quantity of material composing a hazardous waste generated as part of a continuous process is the quantity of material generated during a process operating mode defined by a specific set of operating conditions that are normal for the process. An example of a discrete quantity of material composing a hazardous waste generated as part of a batch process that is performed repeatedly but not necessarily continuously is the total quantity of material composing a single batch generated by the process. An example of a discrete quantity

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of material composing a hazardous waste delivered to a facility in a container is the total quantity of material held in the container.

D) The following procedure must be used measure the VO concentration for each discrete quantity of material identified in subsection (a)(5)(C) above:

i) A sufficient number of samples, but in no case fewer than four, must be collected to represent the organic composition for the entire discrete quantity of hazardous waste being tested. All of the samples must be collected within a 1-hour period. Sufficient information must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the source or process generating the hazardous waste represented by the samples.

ii) Each sample must be collected in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", incorporated by reference in Section 720.111.

iii) Each collected sample must be prepared and analyzed in accordance with the requirements of Method 25D in 40 CFR Part 60, Appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

iv) The measured VO concentration for the discrete quantity of hazardous waste must be determined by using the results for all samples analyzed in accordance with subsection (a)(5)(D)(iii) above and the following equation:

$$C = \frac{1}{n} \times \sum_{i=1}^n C(i)$$

Where:

C = Measured VO concentration of the discrete quantity of hazardous waste, in ppmw.

i = Individual sample "i" of the hazardous waste collected in accordance with the requirements of SW-846.

n = Total number of samples of hazardous waste collected (at least 4) within a 1-hour period.

C(i) = VO concentration measured by Method 25D for sample "i", in ppmw.

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E) The average VO concentration of the hazardous waste must be determined using the following procedure:

i) When the facility owner or operator is the generator of the hazardous waste, a sufficient number of VO concentration measurements for the hazardous waste must be performed in accordance with the requirements of subsection (a)(5)(D) above to represent the complete range of hazardous waste organic compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for each process operating mode identified for the source or process generating the hazardous waste.

ii) When the facility owner or operator is not the generator of the hazardous waste, a sufficient number of VO concentration measurements for the hazardous waste must be performed in accordance with the requirements of subsection (a)(5)(D) above to represent the complete range of hazardous waste organic compositions and quantities that occur in the hazardous waste as received at the facility during the entire averaging period.

iii) The average VO concentration of the hazardous waste at the point of waste origination must be calculated by using the results for all VO measurements performed in accordance with subsection (a)(5)(D) above and the following equation:

$$C(\text{ave}) = \frac{1}{m} \times \sum_{j=1}^m C(j)$$

Where:

C(ave) = Average VO concentration of the hazardous waste at the point of waste origination, in ppmw.

j = Individual discrete quantity "j" of the hazardous waste for which a VO concentration measurement is determined in accordance with the requirements of subsection (a)(5)(D) above.

m = Total number of VO concentration measurements determined in accordance with the requirements of subsection (a)(5)(D) above for the averaging period.

C(j) = Mass of the discrete quantity of the hazardous waste represented by C(j), in kg.

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Q(T) = Total mass of the hazardous waste for the averaging period, in kg.

C(i) = Measured VO concentration of discrete quantity "i" for the hazardous waste determined in accordance with the requirements of subsection (a)(5)(D) above, in ppmw.

6) Procedure for using knowledge of the waste to determine the average VO concentration of a hazardous waste at the point of waste origination.

A) The owner or operator shall identify and record the point of waste origination for the hazardous waste. All information used to determine the average VO concentration of the hazardous waste must be based on the hazardous waste composition at this point.

B) The owner or operator shall designate and record the averaging period to be used for determining the average VO concentration for the hazardous waste. The averaging period must not exceed one year. An initial waste determination must be performed for each averaging period.

C) The owner or operator shall prepare and record sufficient information that documents the average VO concentration for the hazardous waste. Information may be used that is prepared by either the facility owner or operator or by the generator of the hazardous waste. Examples of information that may be used as the basis for knowledge of the waste include: organic material balances for the source or process generating the waste; VO concentration measurements for the same type of waste performed in accordance with the procedure specified in subsection (a)(5)(D) above; previous individual organic constituent test data for the waste that are still applicable to the current waste management practices; documentation that the waste is generated by a process for which no organics-containing materials are used; previous test data for other locations managing the same type of waste; or other knowledge based on manifests, shipping papers, or waste certification notices.

D) If test data other than VO concentration measurements performed in accordance with the procedure specified in subsection (a)(5)(D) above are used as the basis for knowledge of the waste, then the owner or operator shall document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, an owner or operator may use individual organic constituent concentration test data that are validated in accordance with Method 301 in 40 CFR Part 63, Appendix A, incorporated by reference in 35 Ill. Adm.

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Code 720.111, as the basis for knowledge of the waste.

b) Waste determination procedures for treated hazardous waste.

i) An owner or operator shall perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(2) from using air emission controls in accordance with standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.

2) The owner or operator shall perform a waste determination for each discrete quantity of treated hazardous waste as follows:

A) When the hazardous waste is treated by a continuous process, the owner or operator shall:

i) Perform an initial waste determination for the treated waste stream before the first time any portion of the material in the waste stream is placed in a waste management unit subject to this Subpart, and thereafter update the information used for the waste determination at least once every 12 months following the date of the initial waste determination; and

ii) Perform a new waste determination whenever changes to the hazardous waste streams fed to the process are reasonably likely to cause the characteristics of the hazardous waste at the point of waste treatment to change to levels that fail to achieve the applicable conditions specified in Section 725.983(c)(2).

B) When the hazardous waste is treated by a batch process that is performed repeatedly but not necessarily continuously, the owner or operator shall:

i) Perform an initial waste determination for the treated hazardous waste in one or more representative batches treated by the process, and thereafter update the information used for the waste determination at least once every 12 months following the date of the initial waste determination; and

ii) Perform a new waste determination whenever changes to the hazardous waste treated by the process are reasonably likely to cause the characteristics of the hazardous waste at the point of waste treatment to change to levels that fail to achieve the applicable conditions specified in Section 725.983(c)(2).

3) The owner or operator shall designate and record the specific provision in Section 725.983(c)(2) for which the waste determination is being performed. The waste determination for the treated hazardous waste must be performed using the applicable procedures specified in subsections (b)(4) through (b)(10) below.

4) Procedure to determine the average VO concentration of a hazardous waste at the point of waste treatment.

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- A) The owner or operator shall identify and record the point of waste treatment for the hazardous waste. All waste samples used to determine the average VO concentration of the hazardous waste must be collected at this point.
- B) The owner or operator shall designate and record the averaging period to be used for determining the average VO concentration for the hazardous waste. The averaging period must not exceed one year. An initial waste determination must be performed for each averaging period.
- C) The owner or operator shall identify each discrete quantity of the material composing the hazardous waste represented by the averaging period designated in subsection (b)(4)(B) above.
- D) The following procedure shall be used measure the VO concentration for each discrete quantity of material identified in subsection (b)(4)(C) above:

i) A sufficient number of samples, but in no case fewer than four samples, must be collected to represent the organic composition for the entire discrete quantity of hazardous waste being tested. All of the samples must be collected within a 1-hour period. Sufficient information must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the process treating the hazardous waste represented by the samples.

ii) Each sample must be collected in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", incorporated by reference in 35 Ill. Adm. Code 720.111.

iii) Each collected sample must be prepared and analyzed in accordance with the requirements of Method 25D in 40 CFR Part 60, Appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

iv) The measured VO concentration for the discrete quantity of hazardous waste must be determined by using the results for all samples analyzed in accordance with subsection (b)(4)(E)(iii) above and the following equation:

$$C = \frac{1}{n} \times \sum_{i=1}^n C(i)$$

Where:

C = Measured VO concentration of the discrete quantity of hazardous waste, in ppmw.

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i = Individual sample "i" of the hazardous waste collected in accordance with the requirements of SW-846.

n = Total number of samples of hazardous waste collected (at least 4) within a 1-hour period.

C(i) = VO concentration measured by Method 25D for sample "i", in ppmw.

E) The average VO concentration of the hazardous waste at the point of waste treatment must be determined using the following procedure:

i) When the facility owner or operator is the generator of the hazardous waste, a sufficient number of VO concentration measurements for the hazardous waste must be performed in accordance with the requirements of subsection (b)(4)(D) above to represent the complete range of hazardous waste organic compositions and quantities treated by the process during the entire averaging period.

ii) The average VO concentration of the hazardous waste at the point of waste treatment must be calculated by using the results for all VO measurements performed in accordance with subsection (b)(4)(D) above and the following equation:

$$C(\text{ave}) = \frac{1}{m} \times \sum_{j=1}^m Q(j) \times C(j)$$

Where:

C(ave) = Average VO concentration of the hazardous waste at the point of waste origination, in ppmw.

j = Individual discrete quantity "j" of the hazardous waste for which a VO concentration measurement is determined in accordance with the requirements of subsection (b)(4)(D) above.

m = Total number of VO concentration measurements determined in accordance with the requirements of subsection (b)(4)(D) above for the averaging period.

Q(j) = Mass of the discrete quantity of the hazardous waste represented by C(j), in kg.

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$Q[T]$ = Total mass of the hazardous waste for the averaging period, in kg.

$C[j]$ = Measured VO concentration of discrete quantity "j" for the hazardous waste determined in accordance with the requirements of subsection (b)(4)(D) above, in ppmw.

- 5) Procedure to determine the exit concentration limit $C(t)$ for a treated hazardous waste.

- A) The point of waste origination for each hazardous waste treated by the process at the same time must be identified.
- B) If a single hazardous waste stream is identified in subsection (b)(5)(A) above, then the exit concentration limit $C(t)$ must be 100 ppmw.
- C) If more than one hazardous waste stream is identified in subsection (b)(5)(A) above, then the VO concentration of each hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a) above. The exit concentration limit $C(t)$ must be calculated by using the results determined for each individual hazardous waste stream and the following equation:

$$C(t) = \frac{\sum_{x=1}^m Q(x) \times C(x) + \sum_{y=1}^n Q(y) \times 100 \text{ ppmw}}{\sum_{x=1}^m Q(x) + \sum_{y=1}^n Q(y)}$$

Where:

$C(t)$ = Exit concentration limit for treated hazardous waste, in ppmw.

x = Individual hazardous waste stream "x" that has a VO concentration less than 100 ppmw at the point of waste origination, as determined in accordance with the requirements of Section 725.984(a).

y = Individual hazardous waste stream "y" that has a VO concentration equal to or greater than 100 ppmw at the point of waste origination, as determined in accordance with the requirements of Section 725.984(a).

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m = Total number of "x" hazardous waste streams treated by process.

n = Total number of "y" hazardous waste streams treated by process.

$Q[x]$ = Annual mass quantity of hazardous waste stream "x", in kg/yr.

$Q[y]$ = Annual mass quantity of hazardous waste stream "y", in kg/yr.

$C[x]$ = Average VO concentration of hazardous waste stream "x" at the point of waste origination, as determined in accordance with the requirements of Section 725.984(a), in ppmw.

- 6) Procedure to determine the organic reduction efficiency (R) for a treated hazardous waste.

A) The organic reduction efficiency for a treatment process must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.

B) The point of each hazardous waste stream entering the process and each hazardous waste stream exiting the process that is to be included in the calculation of the organic reduction efficiency for the process must be identified.

C) For each run, the following information must be determined for each hazardous waste stream identified in subsection (b)(6)(B) above, using the following procedures:

i) The mass quantity of each hazardous waste stream entering the process $Q(b)$ and the mass quantity of each hazardous waste stream exiting the process $Q(a)$ must be determined.

ii) The VO concentration of each hazardous waste stream entering the process $C(b)$ during the run must be measured in accordance with the requirements of subsections (a)(5)(D)(i) through (a)(5)(D)(iv) below. The VO concentration of each hazardous waste stream exiting the process $C(a)$ during the run must be determined in accordance with the requirements of subsection (b)(4)(D) below. Samples must be collected as follows: For a continuous process, the samples of the hazardous waste entering and samples of the hazardous waste exiting the process must be collected concurrently. For a batch process, the samples of the hazardous waste entering the process must be collected at the time that the hazardous waste is placed in the

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process. The samples of the hazardous waste exiting the process must be collected as soon as practicable after the time when the process stops operation or the final treatment cycle ends.

- D) The waste volatile organic mass flow entering the process (E[b]) and the waste volatile organic mass flow exiting the process (E[a]) must be calculated by using the results determined in accordance with subsection (b)(6)(C) above and the following equations:

$$E(b) = \frac{1}{10(6)} \sum_{j=1}^m Q(bj) \times C(bj)$$

$$E(a) = \frac{1}{10(6)} \sum_{j=1}^m Q(aj) \times C(aj)$$

Where:

E[a] = Waste volatile organic mass flow exiting process, in kg/hr.

E[b] = Waste volatile organic mass flow entering process, in kg/hr.

m = Total number of runs (at least 3)

j = Individual run "j"

Q[bj] = Mass quantity of hazardous waste entering process during run "j", in kg/hr.

Q[aj] = Average mass quantity of waste exiting process during run "j", in kg/hr.

C[aj] = Measured VO concentration of hazardous waste exiting process during run "j", as determined in accordance with the requirements of Section 725.984(b)(4)(D), in ppmw.

C[bj] = Measured VO concentration of hazardous waste entering process during run "j", as determined in accordance with the requirements of Section 725.984(a)(5)(D)(i) through (a)(5)(D)(iv), in ppmw.

- E) The organic reduction efficiency of the process must be calculated by using the results determined in accordance

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with subsection (b)(6)(D) above and the following equation:

$$R = \frac{E(b) - E(a)}{E(b)} \times 100\%$$

Where:

R = Organic reduction efficiency, percent.

E[b] = Waste volatile organic mass flow entering process as determined in accordance with the requirements of subsection (b)(6)(D) above, in kg/hr.

E[a] = Waste volatile organic mass flow exiting process as determined in accordance with the requirements of subsection (b)(6)(D) above, in kg/hr.

- 7) Procedure to determine the organic biodegradation efficiency (R[bio]) for a treated hazardous waste.

A) The fraction of organics biodegraded (F[bio]) must be determined using the procedure specified in 40 CFR part 63, Appendix C, incorporated by reference in 35 Ill. Adm. Code 70.111.

- B) The organic biodegradation efficiency must be calculated by using the following equation:

$$R[bio] = F[bio] \times 100\%$$

Where:

R[bio] = Organic biodegradation efficiency, in percent.

F[bio] = Fraction of organic biodegraded as determined in accordance with the requirements of subsection (b)(7)(A) above.

- 8) Procedure to determine the required organic mass removal rate (RMR) for a treated hazardous waste.

A) The point of waste origination for each hazardous waste treated by the process at the same time must be identified.

B) For each hazardous waste stream identified in subsection (b)(8)(A) above, the VO concentration of the hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a) above.

C) For each individual hazardous waste stream that has a volatile organic concentration equal to or greater than 100 ppmw at the point of waste origination as determined in

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accordance with the requirements of subsection (b)(8)(B) above, the average volumetric flow rate of hazardous waste at the point of waste origination and the density of the hazardous waste stream must be determined.

- D) The required organic mass removal rate for the hazardous waste must be calculated by using the results determined for each individual hazardous waste stream in accordance with the requirements of subsections (b)(8)(B) and (b)(8)(C) above and the following equation:

$$RMR = \sum_{y=1}^n V(y) \times K(y) \times \frac{(C(y) - 100 \text{ ppmw})}{10(6)}$$

Where:

RMR = Required organic mass removal rate, in kg/hr.

V = Individual hazardous waste stream "y" that has a volatile organic concentration equal to or greater than 100 ppmw at the point of waste origination, as determined in accordance with the requirements of Section 725.984(a).

n = Total number of "y" hazardous waste streams treated by process.

$V(y)$ = Average volumetric flow rate of hazardous waste stream "y" at the point of waste origination, in m^3/hr .

$K(y)$ = Density of hazardous waste stream "y", in kg/m^3

V = Average VO concentration of hazardous waste stream "y" at the point of waste origination as determined in accordance with the requirements of Section 725.984(a), in ppmw.

- 9) Procedure to determine the actual organic mass removal rate (MR) for a treated hazardous waste.

A) The actual organic mass removal rate must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.

B) The waste volatile organic mass flow entering the process (E(b)) and the waste volatile organic mass flow exiting the

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process (E(a)) must be determined in accordance with the requirements of subsection (b)(6)(D) above. The actual organic mass removal rate must be calculated by using the results determined in accordance with the requirements of subsection (b)(9)(B) above and the following equation:

$$MR = E(b) - A(b)$$

Where:

MR = Actual organic mass removal rate, in kg/hr.

E(b) = Waste volatile organic mass flow entering process, as determined in accordance with the requirements of subsection (b)(6)(D) above, in kg/hr.

E(a) = Waste volatile organic mass flow exiting process, as determined in accordance with the requirements of subsection (b)(6)(D) above, in kg/hr. Procedure to determine the actual organic mass biodegradation rate (MR(bio)) for a treated hazardous waste.

A) The actual organic mass biodegradation rate must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.

B) The waste organic mass flow entering the process (E(b)) must be determined in accordance with the requirements of subsection (b)(6)(D) above.

C) The fraction of organic biodegraded (F(bio)) must be determined using the procedure specified in 40 CFR Part 63, Appendix C, incorporated by reference in 35 Ill. Adm. Code 720.111.

D) The actual organic mass biodegradation rate must be calculated by using the mass flow rates and fraction of organic biodegraded determined in accordance with the requirements of subsections (b)(10)(B) and (b)(10)(C) above and the following equation:

$$MR(bio) = E(b) \times F(bio)$$

Where:

MR(bio) = Actual organic mass biodegradation rate, in kg/hr.

E(b) = Waste organic mass flow entering process, as determined in accordance with the requirements of

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subsection (b)(6)(D) above, in kg/hr.

$F(bio) =$ Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(10)(C) above.

c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.

1) An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using air emission controls in accordance with standards specified in Section 725.985(c).

2) An owner or operator shall use either direct measurement, as specified in subsection (c)(3) above, or knowledge of the waste, as specified by subsection (c)(4) above, to determine the maximum organic vapor pressure that is representative of the hazardous waste composition stored or treated in the tank.

3) To determine the maximum organic vapor pressure of the hazardous waste by direct measurement, the following procedure must be used:

A) Representative samples of the waste contained in the tank must be collected. Sampling must be conducted in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", incorporated by reference in 35 Ill. Adm. Code 720.111.

B) Any of the following methods may be used to analyze the samples and compute the maximum organic vapor pressure, as appropriate:

i) Method 25E in 40 CFR Part 60, Appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111;

ii) Methods described in American Petroleum Institute Publication 2517, incorporated by reference in 35 Ill. Adm. Code 720.111;

iii) Methods obtained from standard reference texts;

iv) ASTM Method D 2879-92, incorporated by reference in 35 Ill. Adm. Code 720.111; or

v) Any other method approved by the Agency for this use by the owner or operator.

4) To determine the maximum organic vapor pressure of the hazardous waste by knowledge, sufficient information must be prepared and recorded that documents the maximum organic vapor pressure of the hazardous waste in the tank. Examples of information that may be used include: documentation that the waste is generated by a process for which no organics-containing materials are used or that the waste is generated by a process for which at other locations it previously has been determined by direct measurement that the waste maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate design capacity

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category specified for the tank.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 725.985 Standards: Tanks

a) This Section applies to owners and operators of tanks subject to this Subpart into which any hazardous waste is placed except for the following tanks:

1) A tank in which all hazardous waste entering the tank meets the conditions specified in Section 725.983(c); or

2) A tank used for biological treatment of hazardous waste in accordance with the requirements of Section 725.983(c)(2)(D).

b) The owner or operator shall place the hazardous waste into one of the following tanks:

1) A tank equipped with a cover (e.g., a fixed roof) that is vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (d) below;

2) A tank equipped with a fixed roof and internal floating roof in accordance with the requirements of Section 725.991;

3) A tank equipped with an external floating roof in accordance with the requirements of Section 725.991; or

4) A pressure tank that is designed to operate as a closed system such that the tank operates with no detectable organic emissions at all times that hazardous waste is in the tank except as provided for in subsection (g) below.

c) As an alternative to complying with subsection (b) above, an owner or operator may place hazardous waste in a tank equipped with a cover (e.g., a fixed roof) meeting the requirements specified in subsection (d)(1) below when the hazardous waste is determined to meet all of the following conditions:

1) The hazardous waste is neither mixed, stirred, agitated, nor circulated within the tank by the owner or operator using a process that results in splashing, frothing, or visible turbulent flow on the waste surface during normal process operations;

2) The hazardous waste in the tank is not heated by the owner or operator except during conditions requiring that the waste be heated to prevent the waste from freezing or to maintain adequate waste flow conditions for continuing normal process operations;

3) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process or a process that produces an exothermic reaction; and

4) The maximum organic vapor pressure of the hazardous waste in the tank as determined using the procedure specified in Section 725.984(c) is less than the following applicable value:

A) If the tank design capacity is equal to or greater than 151 m³ (5333 ft³) or 39,887 gal), then the maximum organic

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vapor pressure must be less than 5.2 kPa (0.75 psia or 39 mm Hg);

- B) If the tank design capacity is equal to or greater than 75 m(3) but less than 151 m(3) (5333 ft(3) or 39,887 gal), then the maximum organic vapor pressure must be less than 27.6 kPa (4.0 psia or 207 mm Hg); or

- C) If the tank design capacity is less than 75 m(3) (2649 ft(3) or 19,810 gal), then the maximum organic vapor pressure must be less than 76.6 kPa (11.1 psia or 574 mm Hg).

- d) To comply with subsection (b)(1) above, the owner or operator shall design, install, operate, and maintain a cover that vents the organic vapors emitted from hazardous waste in the tank through a closed-vent system connected to a control device.

- 1) The cover must be designed and operated to meet the following requirements:

- A) The cover and all cover openings (e.g., access hatches, sampling ports, and gauge wells) must be designed to operate with no detectable organic emissions when all cover openings are secured in a closed, sealed position.

- B) Each cover opening must be secured in a closed, sealed position (e.g., covered by a gasketed lid or cap) at all times that hazardous waste is in the tank except as provided for in subsection (f) below.

- 2) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

- e) The owner and operator shall install, operate, and maintain enclosed pipes or other closed systems for the transfer of hazardous waste as described in subsection (e)(1) or (e)(2) below. BOARD NOTE: U.S. EPA considers a drain system that meets the requirements of 40 CFR 61.346(a)(1) or (b)(1) through (b)(3) to be a "closed-system". The Board intends that this meaning be included in the use of that term for the purposes of this Subpart.

- 1) Transfer all hazardous waste to the tank from another tank, surface impoundment, or container subject to this Subpart, except for those hazardous wastes that meet the conditions specified in Section 725.983(C); and

- 2) Transfer all hazardous waste from the tank to another tank, surface impoundment, or container subject to this Subpart, except for those hazardous wastes that meet the conditions specified in Section 725.983(c).

- f) Each cover opening must be secured in a closed, sealed position (e.g., covered by a gasketed lid) at all times that hazardous waste is in the tank except when it is necessary to use the cover opening to:

- 1) Add, remove, inspect, or sample the material in the tank;
- 2) Inspect, maintain, repair, or replace equipment located inside the tank; or
- 3) Vent gases or vapors from the tank to a closed-vent system connected to a control device that is designed and operated in

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accordance with the requirements of Section 725.988.

- g) One or more safety devices that vent directly to the atmosphere may be used on the tank, cover, closed-vent system, or control device provided each safety device meets all of the following conditions:

- 1) The safety device is not used for planned or routine venting of organic vapors from the tank or the closed-vent system connected to a control device; and
- 2) The safety device remains in a closed, sealed position at all times except when an unplanned event requires that the device open for the purpose of preventing physical damage or permanent deformation of the tank, cover, closed-vent system, or control device in accordance with good engineering and safety practices for handling flammable, combustible, explosive, or other hazardous materials. An example of an unplanned event is a sudden power outage.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 725.986 Standards: Surface Impoundments

- a) This Section applies to owners and operators of surface impoundments subject to this Subpart into which any hazardous waste is placed except for the following surface impoundments:

- 1) A surface impoundment in which all hazardous waste entering the surface impoundment meets the conditions specified in Section 725.983(c); or

- 2) A surface impoundment used for biological treatment of hazardous waste in accordance with the requirements of Section 725.983(c)(2)(iv).

- b) The owner or operator shall place the hazardous waste into a surface impoundment equipped with a cover (e.g., an air-supported structure or a rigid cover) that is vented through a closed-vent system to a control device meeting the requirements specified in subsection (d) below.

- c) As an alternative to complying with subsection (b) above, an owner or operator may place hazardous waste in a surface impoundment equipped with a floating membrane cover meeting the requirements specified in subsection (e) below when the hazardous waste is determined to meet all of the following conditions:

- 1) The hazardous waste is neither mixed, stirred, agitated, nor circulated within the surface impoundment by the owner or operator using a process that results in splashing, frothing, or visible turbulent flow on the waste surface during normal process operations;

- 2) The hazardous waste in the surface impoundment is not heated by the owner or operator; and

- 3) The hazardous waste in the surface impoundment is not treated by

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d) the owner or operator using a waste stabilization process or a process that produces an exothermic reaction.

To comply with subsection (b)(1) above, the owner or operator shall design, install, operate, and maintain a cover that vents the organic vapors emitted from hazardous waste in the surface impoundment through a closed-vent system connected to a control device.

1) The cover must be designed, installed, operated, and maintained to meet the following requirements:

A) The cover and all cover openings (e.g., access hatches, sampling ports, and gauge wells) must be designed to operate with no detectable organic emissions when all cover openings are secured in a closed, sealed position.

B) Each cover opening must be secured in the closed, sealed position (e.g., covered by a gasketed lid or cap) at all times that hazardous waste is in the surface impoundment, except as provided for in subsection (g) below.

C) The closed-vent system and control device must be designed and operated in accordance with Section 725.988.

e) To comply with subsection (c) above, the owner or operator shall design, install, operate, and maintain a floating membrane cover that meets all of the following requirements:

1) The floating membrane cover must be designed, installed, and operated such that at all times when hazardous waste is in the surface impoundment, the entire surface area of the hazardous waste is enclosed by the cover, and any air spaces underneath the cover are not vented to the atmosphere except during conditions specified in subsection (h) below.

2) The floating membrane cover and all cover openings (e.g., access hatches, sampling ports, and gauge wells) must be designed to operate with no detectable organic emissions when all cover openings are secured in a closed, sealed position.

3) Each cover opening must be secured in a closed, sealed position (e.g., covered by a gasketed lid or cap) at all times that hazardous waste is in the surface impoundment except as provided for in subsections (g)(1) through (g)(3) below.

4) The synthetic membrane material used for the floating membrane cover must be either:

A) High density polyethylene with a thickness no less than 2.5 mm; or

B) A material or a composite of different materials determined to have the following properties:

i) Organic permeability properties that are equivalent to those of the material specified in subsection (e)(4)(A) above; and

ii) Chemical and physical properties that maintain the material integrity for as long as the cover is in use. Factors that must be considered in selecting the material include: the effects of contact with the

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waste managed in the impoundment, weather exposure, and cover installation and operation practices.

f) The owner or operator shall install, operate, and maintain enclosed pipes or other closed systems for the transfer of hazardous waste as described in subsection (f)(1) or (f)(2) below. BOARD NOTE: U.S. EPA considers a drain system that meets the requirements of 40 CFR 61.346(a)(1) or (b)(1) through (b)(3) to be a "closed-system". The Board intends that this meaning be included in the use of that term for the purposes of this Subpart.

1) Transfer all hazardous waste to the surface impoundment from another tank, surface impoundment, or container subject to this Subpart, except for those hazardous wastes that meet the conditions specified in Section 725.983(c); and

2) Transfer all hazardous waste from the surface impoundment to another tank, surface impoundment, or container subject to this Subpart, except for those hazardous wastes that meet the conditions specified in Section 725.983(c).

g) Each cover opening must be secured in the closed, sealed position (e.g., covered by a gasketed lid or cap) at all times that hazardous waste is in the surface impoundment except when it is necessary to use the cover opening to:

1) Add, remove, inspect, or sample the material in the surface impoundment;

2) Inspect, maintain, repair, or replace equipment located underneath the cover;

3) Remove treatment residues from the surface impoundment in accordance with the requirements of 35 Ill. Adm. Code 728.104; or

4) Vent gases or vapors from the surface impoundment to a closed-vent system connected to a control device that is designed and operated in accordance with the requirements of Section 725.988.

h) One or more safety devices that vent directly to the atmosphere may be installed on the cover, closed-vent system, or control device provided each device meets all of the following conditions:

1) The safety device is not used for planned or routine venting of organic vapors from the surface impoundment or the closed-vent system connected to a control device; and

2) The safety device remains in a closed, sealed position at all times except when an unplanned event requires that the device open for the purpose of preventing physical damage or permanent deformation of the cover, closed-vent system, or control device in accordance with good engineering and safety practices for handling flammable, combustible, explosive, or other hazardous materials. An example of an unplanned event is a sudden power outage.

(Source: Added at 19 Ill. Reg. _____, effective _____)

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Section 725.987 Standards: Containers

- a) This Section applies to the owners and operators of containers having design capacities greater than 0.1 m(3) (3.5 ft(3) or 26.4 gal) subject to this Subpart into which any hazardous waste is placed, except for a container in which all hazardous waste entering the container meets the conditions specified in Section 725.983(c).
- b) An owner or operator shall manage hazardous waste in containers using the following procedures:

- 1) The owner or operator shall place the hazardous waste into one of the following containers, except when a container is used for hazardous waste treatment as required by subsection (b)(2) below:
 - A) A container that is equipped with a cover that operates with no detectable organic emissions when all container openings (e.g., lids, bungs, hatches, and sampling ports) are secured in a closed, sealed position. The owner or operator shall determine that a container operates with no detectable emissions by testing each opening on the container for leaks in accordance with Method 21 in 40 CFR Part 60, Appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, the first time any portion of the hazardous waste is placed into the container. If a leak is detected and cannot be repaired immediately, the hazardous waste must be removed from the container and the container not used to meet the requirements of this subsection until the leak is repaired and the container is retested.
 - B) A container having a design capacity less than or equal to 0.46 m(3) (16.2 ft(3) or 121.5 gal) that is equipped with a cover and complies with all applicable U.S. Department of Transportation regulations on packaging hazardous waste for transport under 49 CFR Part 178, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - i) A container that is managed in accordance with the requirements of 49 CFR Part 178 for the purpose of complying with this Subpart is not subject to any exceptions to the 49 CFR Part 178 regulations, except as noted in subsection (b)(1)(B)(ii) above.
 - ii) A lab pack that is managed in accordance with the requirements of 49 CFR Part 178 for the purpose of complying with this Subpart may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b).
 - C) A container that is attached to or forms a part of any truck, trailer, or railcar and that has been demonstrated within the preceding 12 months to be organic vapor tight when all container openings are in a closed, sealed position (e.g., the container hatches or lids are gasketed and latched). For the purpose of meeting the requirements of

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- this subsection, a container is organic vapor tight if the container sustains a pressure change of not more than 0.75 kPa (0.11 psig or 5.6 mm Hg) within 5 minutes after it is pressurized to a minimum of 4.5 kPa (0.65 psig or 33.7 mm Hg). This condition is to be demonstrated using the pressure test specified in Method 27 of 40 CFR Part 60, Appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, and a pressure measurement device that has a precision of ± 2.5 mm water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.
- 2) An owner or operator treating hazardous waste in a container by either a waste stabilization process, any process that requires the addition of heat to the waste, or any process that produces an exothermic reaction must meet the following requirements:
 - A) Whenever it is necessary for the container to be open during the treatment process, the container must be located inside an enclosure that is vented through a closed-vent system to a control device.
 - B) The enclosure must be a structure that is designed and operated in accordance with the following requirements:
 - i) The enclosure must be a structure that is designed and operated with sufficient airflow into the structure to capture the organic vapors emitted from the hazardous waste in the container and vent the vapors through the closed-vent system to the control device.
 - ii) The enclosure may have permanent or temporary openings to allow worker access, passage of containers through the enclosure by conveyor or other mechanical means, entry of permanent mechanical or electrical equipment, or to direct airflow into the enclosure. The pressure drop across each opening in the enclosure must be maintained at a pressure below atmospheric pressure such that whenever an open container is placed inside the enclosure no organic vapors released from the container exit the enclosure through the opening. The owner or operator shall determine that an enclosure achieves this condition by measuring the pressure drop across each opening in the enclosure. If the pressure within the enclosure is equal to or greater than atmospheric pressure then the enclosure does not meet the requirements of this Section.
 - C) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.
 - 3) An owner or operator transferring hazardous waste into a container having a design capacity greater than 0.46 m(3) (16.2 ft(3) or 121.5 gal) shall meet the following requirements:

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A) Hazardous waste transfer by pumping must be performed using a conveyance system that uses a tube (e.g., pipe, hose) to add the waste into the container. During transfer of the waste into the container, the cover must remain in place and all container openings must be maintained in a closed, sealed position except for those openings through which the tube enters the container and as provided for in subsection (c) below. The tube must be positioned in a manner such that either the:

- i) Tube outlet continuously remains submerged below the waste surface at all times waste is flowing through the tube;
- ii) Lower bottom edge of the tube outlet is located at a distance no greater than two inside diameters of the tube or 15.25 cm (0.50 ft or 6.0 in), whichever distance is greater, from the bottom of the container at all times waste is flowing through the tube; or
- iii) Tube is connected to a permanent port mounted on the bottom of the container so that the lower edge of the port opening inside the container is located at a distance equal to or less than 15.25 cm (0.50 ft or 6.0 in) from the container bottom.

B) Hazardous waste transferred by a means other than pumping must be performed such that during transfer of the waste into the container, the cover remains in place and all container openings are maintained in a closed, sealed position except for those openings through which the hazardous waste is added and as provided for in subsection (d) below.

c) Each container opening must be maintained in a closed, sealed position (e.g., covered by a gasketed lid) at all times that hazardous waste is in the container except when it is necessary to use the opening to:

Add, remove, inspect, or sample the material in the container; inspect, maintain, repair, or replace equipment located inside the container; or

3) Vent gases or vapors from a cover located over or enclosing an open container to a closed-vent system connected to a control device that is designed and operated in accordance with the requirements of Section 725.988.

d) One or more safety devices that vent directly to the atmosphere may be used on the container, cover, enclosure, closed-vent system, or control device provided each device meets all of the following conditions:

- 1) The safety device is not used for planned or routine venting of organic vapors from the container, cover, enclosure, or closed-vent system connected to a control device; and
- 2) The safety device remains in a closed, sealed position at all times except when an unplanned event requires that the device

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open for the purpose of preventing physical damage or permanent deformation of the container, cover, enclosure, closed-vent system, or control device in accordance with good engineering and safety practices for handling flammable, combustible, explosive, or other hazardous materials. An example of an unplanned event is a sudden power outage.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 725.988 Standards: Closed-vent Systems and Control Devices

a) This Section applies to each closed-vent system and control device installed and operated by the owner or operator to control air emissions in accordance with standards of this Subpart.

b) The closed-vent system must meet the following requirements:

- 1) The closed-vent system must route the gases, vapors, and fumes emitted from the hazardous waste in the waste management unit to a control device that meets the requirements specified in subsection (c) below.

2) The closed-vent system must be designed and operated in accordance with the requirements specified in Section 725.933(j).

3) If the closed-vent system contains one or more bypass devices that could be used to divert all or a portion of the gases, vapors, or fumes from entering the control device, the owner or operator shall meet the following requirements:

A) For each bypass device except as provided for in subsection (b)(3)(B) below, the owner or operator shall either:

- i) Install, calibrate, maintain, and operate a flow indicator at the inlet to the bypass device that indicates at least once every 15 minutes whether gas, vapor, or fume flow is present in the bypass device; or

ii) Secure the valve installed at the inlet to the bypass device in the closed position using a car-seal or a lock-and-key type configuration. The owner or operator shall visually inspect the seal or closure mechanism at least once every month to verify that the valve is maintained in the closed position.

B) Low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and safety devices are not subject to the requirements of subsection (b)(3)(A) above.

c) The control device must meet the following requirements:

1) The control device must be one of the following devices:

- A) A control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent by weight;
- B) An enclosed combustion device designed and operated in

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accordance with the requirements of Section 725.933(c); or
 C) A flare designed and operated in accordance with the requirements of Section 725.933(d).

2) The control device must be operating at all times when gases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device.

3) The owner or operator using a carbon adsorption system to comply with subsection (c)(1) above shall operate and maintain the control device in accordance with the following requirements:

A) Following the initial startup of the control device, all activated carbon in the control device must be replaced with fresh carbon on a regular basis in accordance with the requirements of Section 725.933(g) or 725.933(h).

B) All carbon removed from the control device must be managed in accordance with the requirements of Section 725.933(i).

4) An owner or operator using a control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with subsection (c)(1) above shall operate and maintain the control device in accordance with the requirements of Section 725.933(i).

5) The owner or operator shall demonstrate that a control device achieves the performance requirements of subsection (c)(1) above as follows:

A) An owner or operator shall demonstrate using either a performance test, as specified in subsection (c)(5)(C) below, or a design analysis, as specified in subsection (c)(5)(D) below, the performance of each control device except for the following:

i) A flare;

ii) A boiler or process heater with a design heat input capacity of 44 megawatts or greater;

iii) A boiler or process heater into which the vent stream is introduced with the primary fuel;

iv) A boiler or process heater burning hazardous waste for which the owner or operator has been issued a final permit 35 Ill. Adm. Code 703 and 705 and that is designed and operated in accordance with the requirements of 35 Ill. Adm. Code 726.Subpart H; or

v) A boiler or process heater burning hazardous waste for which the owner or operator has certified compliance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.

B) An owner or operator shall demonstrate the performance of each flare in accordance with the requirements specified in Section 725.933(e).

C) For a performance test conducted to meet the requirements of subsection (c)(5)(A) above, the owner or operator shall use the test methods and procedures specified in Section

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725.934(c)(1) through (c)(4).

D) For a design analysis conducted to meet the requirements of subsection (c)(5)(A) above, the design analysis must meet the requirements specified in Section 725.935(b)(4)(C).

E) The owner or operator shall demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) above based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal.

6) If the owner or operator and the Agency do not agree on a demonstration of control device performance using a design analysis, then the disagreement must be resolved using the results of a performance test performed by the owner or operator in accordance with the requirements of subsection (c)(5)(C) above. The Agency may choose to have an authorized representative observe the performance test.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 725.989 Inspection and Monitoring Requirements

a) This Section applies to an owner or operator using air emission controls in accordance with the requirements of Sections 725.985 through 725.988.

b) Each cover used in accordance with requirements of Sections 725.985 through 725.987 must be visually inspected and monitored for detectable organic emissions by the owner or operator using the procedure specified in subsection (f) below, except as follows:

1) An owner or operator is exempted from performing the cover inspection and monitoring requirements specified in subsection (f) below for the following tank covers:

A) A tank internal floating roof that is inspected and monitored in accordance with the requirements of Section 725.991; or

B) A tank external floating roof that is inspected and monitored in accordance with the requirements of Section 725.991.

2) If a tank is buried partially or entirely underground, an owner or operator is required to perform the cover inspection and monitoring requirements specified in subsection (f) below only for those portions of the tank cover and those connections to the tank cover or tank body (e.g., fill ports, access hatches, gauge wells, etc.) that extend to or above the ground surface and can be opened to the atmosphere.

3) An owner or operator is exempted from performing the cover

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- inspection and monitoring requirements specified in subsection (f) below for a container that meets all requirements specified in either Section 725.987(b)(1)(B) or 725.987(b)(1)(C).
- 4) An owner or operator is exempted from performing the cover inspection and monitoring requirements specified in subsection (f) below for an enclosure used to control air emissions from containers in accordance with the requirements of Section 725.987(b)(2).
- c) Each closed-vent system used in accordance with the requirements of Section 725.988 must be inspected and monitored by the owner or operator in accordance with the procedure specified in Section 725.933(j).
- d) Each control device used in accordance with the requirements of Section 725.988 must be inspected and monitored by the owner or operator in accordance with the procedure specified in Section 725.933(f).
- e) The owner or operator shall develop and implement a written plan and schedule to perform all inspection and monitoring requirements of this section. The owner or operator shall incorporate this plan and schedule into the facility inspection plan required under 35 Ill. Adm. Code 725.115.
- f) Inspection and monitoring of a cover in accordance with the requirements of subsection (b) above must be performed as follows:
- 1) The cover and all cover openings must be initially visually inspected and monitored for detectable organic emissions on or before the date that the tank, surface impoundment, or container using the cover becomes subject to the provisions of this Subpart and at other times as requested by the Agency.
 - 2) At least once every 6 months following the initial visual inspection and monitoring for detectable organic emissions required under subsection (f)(1) above, the owner and operator shall visually inspect and monitor the cover and each cover opening except for following cover openings:
 - A) A cover opening that has continuously remained in a closed, sealed position for the entire period since the last time the cover opening was visually inspected and monitored for detectable emissions;
 - B) A cover opening that is designated as unsafe to inspect and monitor in accordance with subsection (f)(5) below;
 - C) A cover opening on a cover installed and placed in operation before December 6, 1994 that is designated as difficult to inspect and monitor in accordance with subsection (f)(6) below.
 - 3) To visually inspect a cover, the owner or operator shall view the entire cover surface and each cover opening in a closed, sealed position for evidence of any defect that may affect the ability of the cover or cover opening to continue to operate with no detectable organic emissions. A visible hole, gap, tear, or

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- split in the cover surface or a cover opening is defined as a leak that must be repaired in accordance with subsection (f)(7) below.
- 4) To monitor a cover for detectable organic emissions, the owner or operator shall use the following procedure:
- A) Method 21 in 40 CFR Part 60, Appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, to test each cover seal and cover connection for detectable organic emissions. Seals on floating membrane covers must be monitored around the entire perimeter of the cover at locations spaced no greater than 3 meters apart.
 - B) For all cover connections and seals except for the seals around a rotating shaft that passes through a cover opening, if the monitoring instrument indicates detectable organic emissions (i.e., an instrument concentration reading greater than 500 ppmv plus the background level), then a leak is detected. Each detected leak must be repaired in accordance with subsection (f)(7) below.
 - C) For the seals around a rotating shaft that passes through a cover opening, if the monitoring instrument indicates a concentration reading greater than 10,000 ppmv, then a leak is detected. Each detected leak must be repaired in accordance with subsection (f)(7) below.
- 5) An owner or operator may designate a cover as an unsafe to inspect and monitor cover if all of the following conditions are met:
- A) The owner or operator determines that inspection or monitoring of the cover would expose a worker to dangerous, hazardous, or other unsafe conditions.
 - B) The owner or operator develops and implements a written plan and schedule to inspect the cover using the procedure specified in subsection (f)(3) above and monitor the cover using the procedure specified in subsection (f)(4) below as frequently as practicable during those times when a worker can safely access the cover.
- 6) An owner or operator may designate a cover installed and placed in operation before December 6, 1994, as a difficult to inspect and monitor cover if all of the following conditions are met:
- A) The owner or operator determines that inspection or monitoring the cover requires elevating a worker to a height greater than 2 meters (6.6 ft) above a support surface; and
 - B) The owner and operator develops and implements a written plan and schedule to inspect the cover using the procedure specified in subsection (f)(3) above, and to monitor the cover using the procedure specified in subsection (f)(4) above at least once per calendar year.
- 7) When a leak is detected by either of the methods specified in subsection (f)(3) or (f)(4) above, the owner or operator shall

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repair the leak in the following manner:

A) The owner or operator shall make a first attempt at repairing the leak no later than 5 calendar days after the leak is detected. Repair of the leak must be completed as soon as practicable, but no later than 15 calendar days after the leak is detected. If repair of the leak cannot be completed within the 15-day period, except as provided in subsection (f)(7)(B) below, then the owner or operator shall not add hazardous waste to the tank, surface impoundment, or container on which the cover is installed until the repair of the leak is completed.

B) Repair of a leak detected on a cover installed on a tank or surface impoundment may be delayed beyond 15 calendar days if the owner or operator determines that both of the following conditions occur:

- i) Repair of the leak requires first emptying the contents of the tank or surface impoundment; and
- ii) Temporary removal of the tank or surface impoundment from service will result in the unscheduled cessation of production from the process unit or operation of the waste management unit that is generating the hazardous waste managed in the tank or surface impoundment.

C) Repair of a leak determined by the owner or operator to meet the conditions specified in subsection (f)(7)(B) above must be performed at the next time the process, system, or waste management unit that is generating the hazardous waste managed in the tank or surface impoundment stops operation for any reason.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 725.990 Recordkeeping Requirements

a) Each owner or operator of a facility subject to requirements in this Subpart shall record and maintain the following information as applicable:

1) Documentation for each cover installed on a tank in accordance with the requirements of Section 725.985(b)(2) or 725.985(b)(3) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the applicable design specifications as listed in Section 725.991(c).

2) Documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of Section 725.986(c) that includes information prepared by the

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owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in Section 725.986(e).

3) Documentation for each enclosure used to control air emissions from containers in accordance with the requirements of Section 725.987(b)(2)(A) that includes information prepared by the owner or operator or provided by the manufacturer or vendor describing the enclosure design, and certification by the owner or operator that the enclosure meets the specifications listed in Section 725.987(b)(2)(B).

4) Documentation for each closed-vent system and control device installed in accordance with the requirements of Section 725.988 that includes:

A) Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis, as specified in subsection (a)(4)(B) below, or by performance tests, as specified in subsection (a)(4)(C) below, when the tank, surface impoundment, or container is or would be operating at capacity or the highest level reasonably expected to occur.

B) If a design analysis is used, then design documentation as specified in Section 725.935(b)(4). The documentation must include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 725.935(b)(4)(C) and certification by the owner or operator that the control equipment meets the applicable specifications.

C) If performance tests are used, then a performance test plan as specified in Section 725.935(b)(3) and all test results.

D) Information as required by Sections 725.935(c)(1) and 725.935(c)(2).

5) Records for all Method 27 tests performed by the owner or operator for each container used to meet the requirements of Section 725.987(b)(1)(C).

6) Records for all visual inspections conducted in accordance with the requirements of Section 725.989.

7) Records for all monitoring for detectable organic emissions conducted in accordance with the requirements of Section 725.989.

8) Records of the date of each attempt to repair a leak, repair methods applied, and the date of successful repair.

9) Records for all continuous monitoring conducted in accordance with the requirements of Section 725.989.

10) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 725.988(c)(3)(B).

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11) Records for all inspections of each cover installed on a tank in accordance with the requirements of Section 725.985(b)(2) or Section 725.985(b)(3) that includes information as listed in Section 725.991(c).

b) An owner or operator electing to use air emission controls for a tank in accordance with the conditions specified in Section 725.985(c) shall record the following information:

1) The date and time each waste sample is collected for direct measurement of maximum organic vapor pressure in accordance with Section 725.984(c).

2) The results of each determination for the maximum organic vapor pressure of the waste in the tank performed in accordance with Section 725.984(c).

3) The records specifying the tank dimensions and design capacity.

c) An owner or operator electing to use air emission controls for a tank in accordance with the requirements of Section 725.991 shall record the information required by Section 725.991(c).

d) An owner or operator electing not to use air emission controls for a particular tank, surface impoundment, or container subject to this Subpart in accordance with the conditions specified in Section 725.983(c) shall record the information used by the owner or operator for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator shall record the date, time, and location that each waste sample is collected in accordance with applicable requirements of Section 725.984.

e) An owner or operator electing to comply with requirements in accordance with Section 725.983(c)(2)(F) or 725.983(c)(2)(E) shall record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.

f) An owner or operator designating a cover as unsafe to inspect and monitor pursuant to Section 725.989(f)(5) or difficult to inspect and monitor pursuant to Section 725.989(f)(6) shall record in a log that is kept in the facility operating record the following information:

1) A list of identification numbers for tanks with covers that are designated as unsafe to inspect and monitor in accordance with the requirements of Section 725.989(f)(5), an explanation for each cover stating why the cover is unsafe to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.

2) A list of identification numbers for tanks with covers that are designated as difficult to inspect and monitor in accordance with the requirements of Section 725.989(f)(6), an explanation for each cover stating why the cover is difficult to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.

g) All records required by subsections (a) through (f) above, except as

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required in subsections (a)(1) through (a)(4) above, must be maintained in the operating record for a minimum of 3 years. All records required by subsections (a)(1) through (a)(4) above must be maintained in the operating record until the air emission control equipment is replaced or otherwise no longer in service.

h) The owner or operator of a facility that is subject to this Subpart and to the control device standards in 40 CFR Part 60, Subpart V, or 40 CFR Part 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 270.111, may elect to demonstrate compliance with the applicable Sections of this Subpart by documentation either pursuant to this Subpart, or pursuant to the provisions of 40 CFR Part 60, Subpart V, or 40 CFR Part 61, Subpart V, to the extent that the documentation required by 40 CFR Parts 60 or 61 duplicates the documentation required by this Section.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 725.991 Alternative Tank Emission Control Requirements

a) This Section applies to owners and operators of tanks electing to comply with Section 725.985(b)(2) or (b)(3).

1) The owner or operator electing to comply with Section 725.985(b)(2) shall design, install, operate, and maintain a fixed roof and internal floating roof that meet the following requirements.

A) The fixed roof must comply with the requirements of Section 725.985(d)(1). The internal floating roof must rest or float on the waste surface (but not necessarily in complete contact with it) inside a tank that has a fixed roof. The internal floating roof must be floating on the waste surface at all times, except during initial fill and during those intervals when the tank is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be accomplished as rapidly as possible.

B) Each internal floating roof must be equipped with one of the following closure devices between the wall of the tank and the edge of the internal floating roof:

i) A foam- or liquid-filled seal mounted in contact with the waste (liquid-mounted seal). A liquid-mounted seal means a foam- or liquid-filled seal mounted in contact with the waste between the wall of the tank and the floating roof continuously around the circumference of the tank.

ii) Two seals mounted one above the other so that each forms a continuous closure that completely covers the

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space between the wall of the tank and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous.

- iii) A mechanical shoe seal. A mechanical shoe seal is a metal sheet held vertically against the wall of the tank by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

- C) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the waste surface.

- D) Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains is to be equipped with a cover or lid that is to be maintained in a closed position at all times (i.e., no visible gap), except when the device is in actual use. The cover or lid must be equipped with a gasket. Covers on each access hatch and automatic gauge float well must be bolted, except when they are in use.

- E) Automatic bleeder vents must be equipped with a gasket and are to be closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the roof leg supports.

- F) Rim space vents must be equipped with a gasket and are to be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.

- G) Each penetration of the internal floating roof for the purpose of sampling must be a sample well. The sample well must have a slit fabric cover that covers at least 90 percent of the opening.

- H) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.

- I) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.

- 2) The owner or operator electing to comply with Section 725.985(b)(3) shall design, install, operate, and maintain an external floating roof that meets the following requirements:

- A) Each external floating roof must be equipped with a closure device between the wall of the tank and the roof edge. The closure device is to consist of two seals, one above the other. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

- 1) The primary seal must be either a mechanical shoe seal or a liquid-mounted seal. Except as provided in

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subsection (b)(2)(D) below, the seal must completely cover the annular space between the edge of the floating roof and tank wall.

- ii) The secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except as allowed in subsection (b)(2)(D) below.

- B) Except for automatic bleeder vents and rim space vents, each opening in a noncontact external floating roof must provide a projection below the waste surface. Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof is to be equipped with a gasketed cover, seal, or lid that is to be maintained in a closed position at all times (i.e., no visible gap), except when the device is in actual use. Automatic bleeder vents are to be closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the roof leg supports. Rim vents are to be set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting. Automatic bleeder vents and rim space vents are to be gasketed. Each emergency roof drain is to be provided with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

- C) The roof must be floating on the waste at all times (i.e., off the roof leg supports), except during initial fill until the roof is lifted off leg supports and when the tank is completely emptied and subsequently refilled. The process of filling, emptying, or refilling when the roof is resting on the leg supports must be continuous and must be accomplished as rapidly as possible.

- 3) The owner or operator may elect to comply with Section 725.985(b)(2) or (b)(3) using an alternative means of emission limitation for which U.S. EPA has published a Federal Register notice in accordance with the requirements of 40 CFR 60.114b permitting its use as an alternative means for the purpose of compliance with 40 CFR 60.112b.

- b) Monitoring and inspection of the control equipment described in subsection (a) above must be conducted as follows:

- 1) After installation, owners and operators of internal floating roofs shall:

- A) Visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is in service), prior to filling the tank with waste. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric, or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the tank.

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- B) For tanks equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the waste inside the tank, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the tank from service within 45 days. If a failure that is detected during inspections required in this subsection cannot be repaired within 45 days and if the tank cannot be emptied within 45 days, the Agency may grant the owner or operator a provisional variance pursuant to Section 35(b) of the Act that extends this time for up to 30 days. Such a request for an extension must comply with 35 Ill. Adm. Code 180, and it must document that alternate capacity is unavailable and specify a schedule of actions the owner or operator will take that will assure that the control equipment will be repaired or the tank will be emptied as soon as possible.
- C) For tanks equipped with a double-seal system as specified in subsection (a)(1)(A)(ii) above:
- i) Visually inspect the tank, as specified in subsection (b)(1)(D) below, at least every 5 years; or
 - ii) Visually inspect the tank as specified in subsection (b)(1)(B) above.
- D) Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed. If the internal floating roof has defects; the primary seal has holes, tears, or other openings in the seal or the seal fabric; the secondary seal has holes, tears, or other openings in the seal or the seal fabric; the gaskets no longer close off the waste surfaces from the atmosphere; or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary, so that none of the conditions specified in this subsection exist before refilling the tank with waste. In no event may inspections conducted in accordance with this provision occur at intervals greater than 10 years, in the case of tanks conducting the annual visual inspection as specified in subsection (b)(1)(B) above, or at intervals no greater than 5 years, in the case of tanks specified in subsection (b)(1)(C) above.
- E) Notify the Agency in writing at least 30 days prior to the filling or refilling of each tank for which an inspection is required by subsections (b)(1)(A) and (b)(1)(D) above, to

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- afford the Agency the opportunity to have an observer present. If the inspection required by subsection (b)(1)(D) above is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Agency at least 7 days prior to the refilling of the tank. Notification must be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification, including the written documentation, may be made in writing and sent by express mail so that it is received by the Agency at least 7 days prior to the refilling.
- 2) After installation, the owner or operator of an external floating roof shall:
- A) Determine the gap areas and maximum gap widths between the primary seal and the wall of the tank and between the secondary seal and the wall of the tank according to the following frequency:
 - i) Measurements of gaps between the tank wall and the primary seal (seal gaps) must be performed during the hydrostatic testing of the tank or within 60 days of the initial fill with waste and at least once every five years thereafter.
 - ii) Measurements of gaps between the tank wall and the secondary seal must be performed within 60 days of the initial fill with waste and at least once per year thereafter.
 - iii) If any tank ceases to hold waste for a period of one year or more, subsequent introduction of waste into the tank must be considered an initial fill for the purposes of subsections (b)(2)(A)(i) and (b)(2)(A)(ii) above.
 - B) Determine the gap widths and areas in the primary and secondary seals individually by the following procedures:
 - i) Measure seal gaps, if any, at one or more floating roof levels when the roof is floating off the roof leg supports.
 - ii) Measure seal gaps around the entire circumference of the tank in each place where a 0.32-cm diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location.
 - iii) Determine the total surface area of each gap described in subsection (b)(2)(B)(ii) above by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective

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circumferential distance.

- C) Add the gap surface area of each gap location for the primary seal and the secondary seal individually and divide the sum for each seal by the nominal diameter of the tank and compare each ratio to the respective standards in subsection (b)(2)(D) below.
- D) Make necessary repairs or empty the tank within 45 days of identification in any inspection for seals not meeting the following requirements:
- i) The accumulated area of gaps between the tank wall and the mechanical shoe or liquid-mounted primary seal must not exceed 212 cm(2) per meter (10.0 in(2) per foot) of tank diameter, and the width of any portion of any gap must not exceed 3.81 cm (1.50 in). One end of the mechanical shoe is to extend into the waste contained in the tank, and the other end is to extend a minimum vertical distance of 61 cm (24.0 in) above the waste surface. There are to be no holes, tears, or other openings in the shoe, seal fabric, or seal envelope.
 - ii) The secondary seal is to meet the following requirements: The secondary seal is to be installed above the primary seal so that it completely covers the space between the roof edge and the tank wall except as provided in subsection (b)(2)(B)(iii) above. The accumulated area of gaps between the tank wall and the secondary seal must not exceed 21.2 cm(2) per meter (1.00 in(2) per foot) of tank diameter, and the width of any portion of any gap must not exceed 1.27 cm (0.500 in). There are to be no holes, tears, or other openings in the seal or seal fabric.
- E) If a failure that is detected during inspections required in subsection (b)(2)(A) above cannot be repaired within 45 days and if the tank cannot be emptied within 45 days, the Agency may grant the owner or operator a provisional variance pursuant to Section 35(b) of the Act that extends this time for up to 30 days. Such a request for an extension must comply with 35 Ill. Adm. Code 180, and it must include a demonstration of the unavailability of alternate capacity and a specification of a schedule that will assure that the control equipment will be repaired or the tank will be emptied as soon as possible.
- F) Notify the Agency 30 days in advance of any gap measurements required by subsection (b)(2)(A) above, to afford the Agency the opportunity to have an observer present.
- G) Visually inspect the external floating roof, the primary seal, secondary seal, and fittings each time the vessel is emptied and degassed.

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If the external floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, the owner or operator shall repair the items as necessary so that none of the conditions specified in this subsection exist before filling or refilling the tank with waste.

- ii) For all the inspections required by this subsection, the owner or operator shall notify the Agency in writing at least 30 days prior to the filling or refilling of each tank to afford the Agency the opportunity to inspect the tank prior to refilling. If the inspection required by this subsection is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Agency at least seven days prior to the refilling of the tank. Notification must be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification, including the written documentation, may be made in writing and sent by express mail so that it is received by the Agency at least seven days prior to the refilling.
- c) Owners and operators that elect to install and operate the control equipment in subsection (a) above shall include the following information in the operating record in accordance with the requirements of Section 725.990(a)(1) and (a)(11):
 - 1) Internal floating roof.
 - A) Documentation that describes the control equipment design and certifies that the control equipment meets the specifications of subsections (a)(1) and (b)(1) above.
 - B) Records of each inspection performed as required by subsections (b)(1)(A) through (b)(1)(D) above. Each record must identify the tank on which the inspection was performed and must contain the date the tank was inspected and the observed condition of each component of the control equipment (seals, internal floating roof, and fittings).
 - C) If any of the conditions described in subsection (b)(1)(B) above are detected during the annual visual inspection required by subsection (b)(1)(B) above, the records must identify the tank, the nature of the defects, and the date the tank was emptied or the nature of and date the repair was made.
 - D) After each inspection required by subsection (b)(1)(C) above that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control

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equipment defects listed in subsection (b)(1)(B) above, the records must identify the tank and the reason it did not meet the specifications of subsection (a)(1) or (b)(1)(C) above and describe each repair made.

2) External floating roof.

- A) Documentation that describes the control equipment design and certifies that the control equipment meets the specifications of subsections (a)(2) and (b)(2)(B) through (b)(2)(D) above.
- B) Records of each gap measurement performed as required by subsection (b)(2) above. Each record must identify the tank in which the measurement was performed, the date of measurement, the raw data obtained in the measurement, and the calculations described in subsections (b)(2)(B) and (b)(2)(C) above.
- C) Records for each seal gap measurement that detects gaps exceeding the limitations specified by subsection (b)(2)(D) above that identifies the tank, the date the tank was emptied or the repairs made, and the nature of the repair.

(Source: Added at 19 Ill. Reg. _____, effective _____)

SUBPART DD: CONTAINMENT BUILDINGS

Section 725.1102 Closure and post-closure-care Post-closure Care

- a) At closure of a containment building, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless 35 Ill. Adm. Code 721.103(e) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for containment buildings must meet all of the requirements specified in 725.Subparts G and H.
- b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in subsection (a) above, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he must close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (35 Ill. Adm. Code 725.310). In addition, for the purposes of closure, post-closure, and financial responsibility, such a containment building is then considered to be a landfill, and the owner or operator must meet all the requirements for landfills specified in 725.Subparts G and H.

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Land Disposal Restrictions2) Code citation: 35 Ill. Adm. Code 7283) Section numbers:

| | |
|------------------------------------|-------------|
| 728.101, 728.102, 728.107 | Amended |
| 728.109, 728.130, 728.133 | Amended |
| 728.138 | New Section |
| 728.140, 728.141, 728.142 | Amended |
| 728.143, 728.145, 728.146 | Amended |
| 728.148 | New Section |
| 728.App. D | Amended |
| 728.App. E | Repealed |
| 728.App. J | New Section |
| 728.Tab. A, 728.Tab. B, 728.Tab. C | Amended |
| 728.Tab. D, 728.Tab. E, 728.Tab. G | Amended |
| 728.Tab. T, 728.Tab. U | New Section |

Proposed action:

| |
|-------------|
| Amended |
| Amended |
| New Section |
| Amended |
| Amended |
| New Section |
| Amended |
| Repealed |
| New Section |
| Amended |
| Amended |
| New Section |

4) Statutory authority: 415 ILCS 5/22.4 and 27.5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of March 2, 1995, in R95-4 and R95-6 (consolidated), which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates Parts 700, 702, 703, 705, 720, 721, 722, 723, 724, 725, 726, 728, 730, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste and underground injection control (UIC) rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994. During this period, U.S. EPA amended its regulations as follows:

Federal ActionSummary

59 Fed. Reg. 38536, Exclusion from definition of solid waste for
July certain in-process recycled secondary
28, 1994 materials used by the petroleum refining
industry

59 Fed. Reg. 43496, Withdrawal of exemption from Subtitle C
August 24, 1994 regulation of slag residues from high

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| | |
|------------------------------------|-------------|
| 728.101, 728.102, 728.107 | Amended |
| 728.109, 728.130, 728.133 | Amended |
| 728.138 | New Section |
| 728.140, 728.141, 728.142 | Amended |
| 728.143, 728.145, 728.146 | Amended |
| 728.148 | New Section |
| 728.App. D | Amended |
| 728.App. E | Repealed |
| 728.App. J | New Section |
| 728.Tab. A, 728.Tab. B, 728.Tab. C | Amended |
| 728.Tab. D, 728.Tab. E, 728.Tab. G | Amended |
| 728.Tab. T, 728.Tab. U | New Section |

Proposed action:

| |
|-------------|
| Amended |
| Amended |
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August 24, 1994 regulation of slag residues from high

temperature metal recovery (HMR) of electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) that are used in a manner constituting disposal

59 Fed. Reg. 47980, Restoration of text from 40 CFR 268.7(a)
September 19, 1994 inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040

59 Fed. Reg. 47982, Phase II land disposal restrictions (LDRs):
September 19, 1994 universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)

59 Fed. Reg. 62896, Organic material air emission standards for
December 6, 1994 tanks, surface impoundments, and containers

In addition to these principal amendments that occurred during the update period, the Board has included an additional, later action:

60 Fed. Reg. 242, Corrections to the Phase II land disposal
January 3, 1995 Restrictions (universal treatment standards)

This January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

1) The January 3, 1995 amendments are corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;

2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and

3) The Board has received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the later amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket.

In addition to the federally-derived amendments, the Board used this opportunity to undertake a number of housekeeping and corrective amendments. We have effected the removal of all cross-references for

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effective dates and repealed Part 700. We have converted equations and formulae to the standard scientific format. We have tried to improve the language and structure of various provisions, including correcting grammar, punctuation, and spelling where necessary.

Specifically, the segment of the amendments involved in Part 728 are based on the federal September 19, 1994 Phase II LDRs and the January 3, 1995 corrections and amendments to those September amendments. The Phase II LDRs establish universal treatment standards for wastewater and non-wastewater hazardous constituents that are independent of the type of waste in which they appear. A hazardous waste must either meet the established treatment technology or the wastewater or non-wastewater hazardous constituent standards before it is land disposed. The amendments also include new treatment standards for newly-listed wastes (wastes listed by U.S. EPA since 1984).

- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference?
Yes. 35 Ill. Adm. Code 720.111 is the central listing of all documents incorporated by reference throughout the text of 35 Ill. Adm. Code 702 through 705, 721 through 726, 728, 730, 738, and 739. The present amendments include the incorporation of prior U.S. EPA analytical methods from SW-846, and they delete a reference to 40 CFR 268.5(h)(2).
- 9) Are there any other amendments pending on this Part? No.

10) Statement of statewide policy objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)]. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste or they engage in underground injection of waste.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R95-4/R95-6 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312/814-6931

Address all questions to Michael J. McCambridge, at 312-814-6924.

12) Initial regulatory flexibility analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 6, 1995.
- B) Types of small businesses affected:
The existing rules and proposed amendments affect small businesses that generate, transport, treat, store, or dispose of hazardous waste or engage in underground injection of waste.
- C) Reporting, bookkeeping or other procedures required for compliance:
The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.
- D) Types of professional skills necessary for compliance:
Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728

LAND DISPOSAL RESTRICTIONS

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| 728.102 | Dilution Prohibited as a Substitute for Treatment |
| 728.103 | Treatment Surface Impoundment Exemption |
| 728.104 | Procedures for case-by-case Extensions to an Effective Date |
| 728.105 | Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C |
| 728.106 | |
| 728.107 | Waste Analysis and Recordkeeping |
| 728.108 | Landfill and Surface Impoundment Disposal Restrictions (Repealed) |
| 728.109 | Special Rules for Characteristic Wastes |

SUBPART B: SCHEDULED FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

| Section | |
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| 728.110 | First Third |
| 728.111 | Second Third |
| 728.112 | Third Third |
| 728.113 | Newly Listed Wastes |
| 728.114 | Surface Impoundment exemptions |

SUBPART C: PROHIBITION ON LAND DISPOSAL

| Section | |
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| 728.130 | Waste Specific Prohibitions -- Solvent Wastes |
| 728.131 | Waste Specific Prohibitions -- Dioxin-Containing Wastes |
| 728.132 | Waste Specific Prohibitions -- California List Wastes |
| 728.133 | Waste Specific Prohibitions; ---First Third Wastes |
| 728.134 | Waste Specific Prohibitions -- Second Third Wastes |
| 728.135 | Waste Specific Prohibitions -- Third Third Wastes |
| 728.136 | Waste Specific Prohibitions -- Newly Listed Wastes |
| 728.137 | Waste Specific Prohibitions -- Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated |

| Section | Waste-Specific Prohibitions; Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorobenzene Production Wastes | Statutory Prohibitions |
|---------|---|------------------------|
| 728.138 | | |
| 728.139 | | |

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SUBPART D: TREATMENT STANDARDS

| Section | |
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| 728.140 | Applicability of Treatment Standards |
| 728.141 | Treatment Standards Expressed as Concentrations in Waste Extract |
| 728.142 | Treatment Standards Expressed as Specified Technologies |
| 728.143 | Treatment Standards expressed Expressed as Waste Concentrations |
| 728.144 | Adjustment of Treatment Standard |
| 728.145 | Treatment Standards for Hazardous Debris |
| 728.146 | Alternative Treatment Standards Based on HWMR |
| 728.148 | Universal Treatment Standards |

SUBPART E: PROHIBITIONS ON STORAGE

| Section | |
|---------|--|
| 728.150 | Prohibitions on Storage of Restricted Wastes |

| APPENDIX A | Toxicity Characteristic Leaching Procedure (TCLP) |
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| APPENDIX B | Treatment Standards (As concentrations in the Treatment Residual Extract) |
| APPENDIX C | List of Halogenated Organic Compounds |
| APPENDIX D | Organometallic-Lab-Packs Wastes Excluded from Lab Packs |
| APPENDIX E | Organic Lab Packs (Repealed) |
| APPENDIX F | Technologies to Achieve Deactivation of Characteristics |
| APPENDIX G | Federal Effective Dates |
| APPENDIX H | National Capacity LDR Variances for UIC Wastes |
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| TABLE A | Constituent Concentrations in Waste Extract (CCWE) |
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|---------|--|

| TABLE B | Constituent Concentrations in Wastes (CCW) |
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|---------|--|

| TABLE C | Technology Codes and Description of Technology-Based Standards |
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| TABLE D | Technology-Based Standards by RCRA Waste Code |

| TABLE E | Standards for Radioactive Mixed Waste |
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| TABLE F | Alternative Treatment Standards for Hazardous Debris |
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| TABLE G | Alternative Treatment Standards Based on HWMR |
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|---------|---|

| TABLE H | Wastes Excluded from CCW Treatment Standards |
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|---------|--|

| TABLE I | Treatment Standards for Hazardous Wastes |
|---------|--|
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| TABLE U | Universal Treatment Standards (UTS) |
|---------|-------------------------------------|
|---------|-------------------------------------|

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508,

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effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17503, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 728.101 Purpose, Scope and Applicability

a) This Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.

b) Except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721, the requirements of this Part apply to persons who that generate or transport hazardous waste treatment, storage, and disposal facilities.

c) Restricted wastes may continue to be land disposed as follows:

1) Where persons have been granted an extension to the effective date of a prohibition under Subpart C or pursuant to Section 728.105, with respect to those wastes covered by the extension;

2) Where persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;

3) Wastes that are hazardous only because they exhibit a hazardous characteristic and which that are otherwise prohibited from land disposal under this Part are not prohibited from land disposal if the wastes:

A) Are disposed into a nonhazardous or hazardous waste injection well, as defined in 35 Ill. Adm. Code 704.106(a); and

B) Do not exhibit any prohibited characteristic of hazardous waste at the point of injection; and

C) If, at the point of generation, the injected wastes include D001 High TOC subcategory wastes of D012-D017 pesticide wastes that are prohibited under Section 728.117(c), those wastes have been treated to meet the treatment standards of Section 728.140 prior to injection.

d) This Part does not affect the availability of a waiver under Section 121(d)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. Sections 9601 et seq.).

e) The following hazardous wastes are not subject to any provision of this Part:

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1) Wastes generated by small quantity generators of less than 100 kg of non-acute hazardous waste or less than 1 kg of acute hazardous waste per month, as defined in 35 Ill. Adm. Code 721.105;

2) Waste pesticides that a farmer disposes of pursuant to 35 Ill. Adm. Code 722.170;

3) Wastes identified or listed as hazardous after November 8, 1984, for which 99BPA U.S. EPA has not promulgated land disposal prohibitions or treatment standards.

4) De minimis losses to wastewater treatment systems of commercial chemical product or chemical intermediates that are ignitable (D001) or corrosive (D002) or that are organic constituents that exhibit the characteristic of toxicity (D012-D043) and that contain underlying hazardous constituents, as defined in Section 728.102 of this Part, are not considered to be prohibited wastes. "De minimis" is defined as losses from normal material handling operations (e.g. spills from the unloading or transfer of materials from bins or other containers or leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purging; and relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinseate from empty containers or from containers that are rendered empty by that rinsing.

5) Land disposal prohibitions for hazardous characteristic wastes do not apply to laboratory wastes displaying the characteristic of ignitable ignitability (D001), and-corrosive corrosivity (D002), or organic toxicity (D012 through D043) laboratory--wastes containing underlying--hazardous--constituents--from--laboratory operations, that are mixed with other plant wastewaters at facilities whose ultimate discharge is subject to regulations under the CWA (including wastewaters at facilities which that have eliminated the discharge of wastewater), provided that the annulized flow of laboratory wastewater into the facility's headwork does not exceed one percent or provided that the laboratory wastes' combined annulized average concentration does not exceed one part per million in the facility's headwork headworks.

f) This part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code 729. The Environmental Protection Agency (Agency) shall not issue a wastewater authorization pursuant to 35 Ill. Adm. Code 709 or Sections 22.6 or 39(h) of the Environmental Protection Act (44--Rev--Stat--1987--ch--111--1-27--para--1022-6--or--1099th) [415 ILCS 5.22-6 or 39.6] unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

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Section 728.102 Definitions

When used in this Part the following terms have the meanings given below. All other terms have the meanings given under 35 Ill. Adm. Code 702.110, 720.110, 720.102, or 721.103.

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.)

"Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is: A a manufactured object; or plant or animal matter; or natural geologic material. However, the following materials are not debris: Any any material for which a specific treatment standard is provided in 728.Subpart D, namely lead acid batteries, cadmium batteries, and radioactive lead solids; Process process residuals, such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least 75% of their original volume. A mixture of debris that has not been treated to the standards provided by Section 728.145 of this Part and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

"Halogenated organic compounds" or "HOCs" means those compounds having a carbon-halogen bond which that are listed under Appendix C.

"Hazardous constituent or constituents" means those constituents listed in 35 Ill. Adm. Code 721.Appendix H.

"Hazardous debris" means debris that contains a hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D7 or that exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C.

Inorganic Solid Debris are nonfriable inorganic solids that are incapable of passing through a 9.5 mm standard sieve and that require cutting or crushing or grinding, in mechanical sizing equipment prior to stabilization, limited to the following inorganic or metal materials:

Metal slags (either gross or scoria).

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Classified slag.

Glass.

Concrete (excluding cementitious or pozzolanic stabilized hazardous wastes).

Masonry and refractory bricks.

Metal cans, containers, drums, or tanks.

Metal nuts, bolts, pipes, pumps, valves, appliances, or industrial equipment.

Scrap metal, as defined in 35 Ill. Adm. Code 721.101(c)(6).

"Land disposal" means placement in or on the land, except in a corrective action management unit, and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine, or caver or placement in a concrete vault or bunker intended for disposal purposes.

"Nonwastewaters" are wastes that do not meet the criteria for "wastewaters" in this Section.

"Polychlorinated biphenyls" or "PCBs" are halogenated organic compounds defined in accordance with 40 CFR 761.3, incorporated by reference in 35 Ill. Adm. Code 720.111.

"ppm" means parts per million.

"RCRA corrective action" means corrective action taken under 35 Ill. Adm. Code 724.200 or 725.193, 40 CFR 264.100 or 265.93 (1992 1994), or similar regulations in other States with RCRA programs authorized by U.S. EPA pursuant to 40 CFR 271 (1992 1994).

"Underlying hazardous constituent" means any regulated constituent listed in Section 728.Table U, "Universal Treatment Standards (UTS)", except vanadium and zinc, that can reasonably be expected to be present, at the point of generation of the hazardous waste, at levels a concentration above the 1999 constituent-specific UTS treatment standard at--the--point--of--generation--of--the--hazardous--waste.

"U.S. EPA" or "USEPA" means the United States Environmental Protection Agency.

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"Wastewaters" are wastes that contain less than 1% by weight total organic carbon (TOC) and less than 1% by weight total suspended solids (TSS), with the following exceptions:

F001, F002, F003, F004, and F005 solvent-water mixtures that contain less than 1% by weight TOC or less than 1% by weight total F001, F002, F003, F004, and F005 solvent constituents listed in Table A.

K011, K013, and K014 wastewaters (as generated) that contain less than 5% by weight TOC and less than 1% by weight TSS.

K103 and K104 wastewaters contain less than 4% by weight TOC and less than 1% by weight TSS.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 728.107 Waste Analysis and Recordkeeping

a) Except as specified in Section 728.132, where a generator's waste is listed in 35 Ill. Adm. Code 721.Subpart D or if the waste exhibits one or more of the characteristics set out at 35 Ill. Adm. Code 721.Subpart C, the generator shall test its waste, or test an extract using the Toxicity Characteristic Leaching Procedure, Method 1311, in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111, or use knowledge of the waste to determine if the waste is restricted from land disposal under this Part. Except as specified in Section 728.137, if a generator's waste exhibits one or more of the characteristics set out at 35 Ill. Adm. Code 721.Subpart C, the generator shall test an extract using the EP-Toxicity Test Method 1310, in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111, or use knowledge of the waste to determine if the waste is restricted from land disposal under this Part. If the generator determines that its waste displays the characteristic of ignitability (D001) (and is not in the High TOC Ignitable Liquids Subcategory or is not treated by INEIN, PSGBS, CWBST or RORGs of Section 728.102 of this Part), or the waste displays the characteristic of corrosivity (D002) and is prohibited under Section 728.137, or the waste displays the characteristic of organic toxicity (D012-D043) and is prohibited under Section 728.138, the generator shall determine what underlying hazardous constituents (as defined in Section 728.102 of this Part), are reasonably expected to be present in the D001, D002, or D012 through D043 waste.

1) If a generator determines that the generator it is managing a

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restricted waste under this Part and determines that the waste does not meet the applicable treatment standards set forth in 728.Subpart D of this Part or exceeds the applicable prohibition levels set forth in Section 728.132 or 728.139, with each shipment of waste the generator shall notify the treatment or storage facility in writing of the appropriate treatment standard set forth in Subpart B of this Part and any applicable prohibition levels set forth in Section 728.132 or 728.139 with each shipment of waste. The notice must include the following information:

- A) U.S. EPA hazardous waste number;
 - B) The corresponding treatment standards waste constituents that the treater will monitor, if monitoring will not include all regulated constituents, for wastes F001 through F005, F039, D001, D002, D012 through D043, and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. Treatment standards for all other restricted wastes must either be included or be referenced by including on the notification the applicable wastewater (as defined in Section 728.102(f)) or nonwastewater (as defined in Section 728.102(d)) category, the applicable subcategory made within a waste code based on waste specific criteria (such as 0903-reactive cyanides) and the Section and subsections where the applicable treatment standard appears. Where the applicable treatment standard is expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Section 728.146-C (e.g. 77-INGIN-WEF0X) also must be listed on the notification. The generator must also include whether the waste is a nonwastewater or wastewater (as defined in Section 728.102 (d) and (f)) and indicate the subcategory of the waste (such as "D003 reactive cyanide") if applicable;
 - C) The manifest number associated with the shipment of waste; and
 - D) For hazardous debris, the contaminants subject to treatment, as provided by Section 728.145(b) and the following statement: "This hazardous debris is subject to the alternative treatment standards of 35 Ill. Adm. Code 728.145; and
 - E) Waste analysis data, where available; and
 - F) The date on which the waste is subject to the prohibitions.
- 2) If a generator determines that the generator it is managing a restricted waste under this Part and determines that the waste can be land disposed without further treatment, with each shipment of waste the generator shall submit to the treatment storage or land disposal facility a notice and a certification to the treatment, storage, or land disposal facility stating that

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the waste meets the applicable treatment standards set forth in 728.Subpart D ~~of this part~~ and setting forth the applicable prohibition levels set forth in Section 728.132 or RCRA Section 3004(d), referenced in Section 728.139. ~~A generator~~ of hazardous debris that is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e)(2), 35 Ill. Adm. Code 728.103(f)(2), and of 35 Ill. Adm. Code 720.122 (i.e. debris that is delisted), however, ~~are~~ is not subject to these notification and certification requirements.

A) The notice must include the following information:

- i) U.S. EPA hazardous waste number;
- ii) The ~~corresponding treatment standards~~ waste constituents that the treater will monitor, if monitoring will not include all regulated constituents, for wastes F001 through F005, F039, D001, D002, D012 through D043, and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. ~~treatment standards for all other restricted wastes must either be included or referenced by including on the notification the applicable~~ The generator must also include whether the waste is a wastewater or nonwastewater (as defined in Section 728.102(d) and (f)) category, and indicate the subcategory of the waste ~~applicable subdivisions made within a waste code based on waste specific criteria (such as D003, reactive cyanides), and the Section and subsection where the applicable treatment standard appears if applicable~~ Where the applicable treatment standards are expressed as specified technologies in Section 728.147 the applicable five letter treatment code found in Section 728.147 is ~~FCG7-INGIN7-WB90X~~ also must be listed on the notification.
- iii) The manifest number associated with the shipment of waste; and
- iv) Waste analysis data, where available.

B) The certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 35 Ill. Adm. Code 728.Subpart D and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132, 728.139, or Section 3004(d) of the Resource Conservation and Recovery Act. I believe that the information I submitted is true, accurate, and complete. I am aware

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that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

3) If a generator's waste is subject to an exemption from a prohibition on the type of land disposal method utilized for the waste (such as, but not limited to, a case-by-case extension under Section 728.105, an exemption under Section 728.106, an extension under Section 728.101(c)(3), or a nationwide capacity variance under 40 CFR 268.Subpart C (19921994)), ~~with each shipment of waste~~ the generator shall submit a notice with each shipment of the waste to the facility receiving the generator's waste stating that the waste is not prohibited from land disposal. The notice must include the following information:

- A) U.S. EPA hazardous waste number;
- B) The ~~corresponding treatment standards~~ waste constituents that the treater will monitor, if monitoring will not include all regulated constituents, for wastes F001 through F005, F039, D001, D002, and D012 through D043 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. ~~treatment standards for all other restricted wastes must either be included or be referenced by including on the notification the applicable wastewater or nonwastewater (as defined in Section 728.102) category the applicable subdivisions made within a waste code based on waste specific criteria (such as D003, reactive cyanides), and the Section and subsection where the applicable treatment standard appears~~ Where the applicable treatment standards are expressed as specified technologies in Section 728.147 the applicable five letter treatment code found in Section 728.147 is ~~FCG7-INGIN7-WB90X~~ also must be listed on the notification. The generator must also include whether the waste is a nonwastewater or wastewater (as defined in Section 728.102(d) and (f)), and indicate the subcategory of the waste (such as "D003 reactive cyanide"), if applicable;
- C) The manifest number associated with the shipment of waste;
- D) Waste analysis data, where available;
- E) For hazardous debris, the when using the alternative treatment technologies provided by Section 728.145:
 - i) The ~~contaminants~~ contaminants subject to treatment, as provided by Section 728.145(b);
 - ii) An indication that these contaminants are being treated to comply with Section 728.145 and the following statement: ~~"this hazardous debris is subject to the alternative treatment standards of 35 Ill. Adm. Code 728.145; and~~
- F) For hazardous debris when using the treatment standards for

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the contaminating waste(s) in Section 728.140: the requirements described in subsections (a)(3)(A) through (a)(3)(D) above and subsection (a)(3)(G) below; and,

- PG) The date on which the waste is subject to the prohibitions.
- 4) If a generator is managing a prohibited waste in tanks, or containers, or containment buildings regulated under 35 Ill. Adm. Code 722.134, and is treating such waste in such tanks, containers, or containment buildings to meet applicable treatment standards under 728.102 through 721.106, or when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 722.134, and is treating such waste in such tanks, containers, or containment buildings to meet applicable treatment standards under 728.102 through 721.106, or when the waste is exempted from regulation as a RCRA hazardous waste subsequent to the point of generation.
- (A) generator treating hazardous debris under the alternative treatment standards of Section 728.140, however, is not subject to these waste analysis requirements.)
- The plan must be kept on-site in the generator's records, and the following requirements must be met:

- A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited wastes being treated and it must contain all information necessary to treat the wastes in accordance with the requirements of this part, including the selected testing frequency.
- B) Such plan must be filed with the Agency a minimum of 30 days prior to the treatment activity, with delivery verified.
- C) Wastes shipped off-site pursuant to this subsection must comply with the notification requirements of Section 728.107(a)(2).
- 5) If a generator determines whether the waste is restricted based solely on the generator's knowledge of the waste, the generator shall retain all supporting data used to make this determination on-site in the generator's files. If a generator determines whether the waste is restricted based on testing the waste or an extract developed using the test method described in Appendix A, the generator shall retain all waste analysis data on site in the generator's files.
- 6) If a generator determines, subsequent to the time of generation, that the generator is managing a restricted waste that is excluded from the definition of hazardous or solid waste or exempt from regulation as a RCRA hazardous waste under 35 Ill. Adm. Code 712.102 through 721.106, the generator shall place, in the facility's file, a one-time notice stating such generation, the subsequent exclusion from the definition of hazardous or solid waste or exemption from regulation as a RCRA hazardous waste, and the disposition of the waste.
- 7) A generator shall retain on-site a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced pursuant to this Section for at least five years from the date that the waste that is the subject

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of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The five year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity, or as requested by the Agency. The requirements of this subsection apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 721.102 through 721.106, or when the waste is exempted from regulation as a RCRA hazardous waste subsequent to the point of generation.

- 8) If a generator is managing a lab pack that contains wastes identified in Appendix D and wishes to use the alternative treatment standard under Section 728.142(c), with each shipment of waste the generator shall submit a notice to the treatment facility in accordance with subsection (a)(1) above, except that underlying hazardous constituents need not be determined. The generator shall also comply with the requirements in subsections (a)(5) and (a)(6) above and shall submit the following certification, which must be signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste that the lab pack does not contain any of the wastes specified identified in 35 Ill. Adm. Code 728.142(c) with each shipment of wastes not subject to regulation under 35 Ill. Adm. Code 721.102 through 721.106, or when the waste is exempted from regulation as a RCRA hazardous waste subsequent to the point of generation, including the possibility of fine or imprisonment.

- 9) If a generator is managing a lab pack that contains organic wastes specified in Appendix B and wishes to use the alternate treatment standards under Section 728.142, with each shipment of waste the generator shall submit a notice to the treatment facility in accordance with subsection (a)(1) above, except that the generator also shall comply with the requirements in subsections (a)(5) and (a)(6) above and shall submit the following certification that must be signed by an authorized representative. This subsection corresponds with 40 CFR 268.7(a)(9), marked "reserved" by U.S. EPA at 59 Fed. Reg. 48015 (Sept. 19, 1994). This statement maintains structural consistency with federal regulations.

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste and that the lab pack contains only organic waste specified in 35 Ill. Adm. Code 728.142(c) with each shipment of wastes not subject to regulation under 35 Ill. Adm. Code 721.102 through 721.106, or when the waste is exempted from regulation as a RCRA hazardous waste subsequent to the point of generation, including the possibility of fine or imprisonment.

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~~certification, including the possibility of fine or imprisonment.~~

- 10) Small quantity generators with tolling agreements pursuant to 35 Ill. Adm. Code 722.120(e) shall comply with the applicable notification and certification requirements of subsection (a) above for the initial shipment of the waste subject to the agreement. Such generators shall retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended following notification pursuant to Section 31(d) of the Environmental Protection Act, until either any subsequent enforcement action is resolved, or until the Agency notifies the generator documents need no not be retained.

- b) Treatment facilities shall test their wastes according to the frequency specified in their waste analysis plans, as required by 35 Ill. Adm. Code 724.113 or 725.113. Such testing must be performed as provided in subsections (b)(1), (b)(2), and (b)(3) below.

- 1) For wastes with treatment standards expressed as concentrations in the waste extract (Section 728.141), the owner or operator of the treatment facility shall test the treatment residues or an extract of such residues developed using the test method described in Appendix A to assure that the treatment residues or extract meet the applicable treatment standards.

- 2) For wastes prohibited under Section 728.132 or 728.139 that are ~~this part~~, the owner or operator of the treatment facility shall test the treatment residues according to the generator testing requirements specified in Section 728.132 to assure that the treatment residues comply with the applicable prohibitions.

- 3) For wastes with treatment standards expressed as concentrations in the waste (Section 728.143), the owner or operator of the treatment facility shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.

- 4) A notice must be sent with each waste shipment to the land disposal facility that includes the following information, except that debris excluded from the definition of the hazardous waste under Section 35 Ill. Adm. Code 720.103(e) (i.e., debris treated by an extraction or destruction technology provided by Section 728.132, and debris that is delisted) is subject to the notification and certification requirements of subsection (d) below rather than these notification requirements:

- A) U.S. EPA hazardous waste number;
 B) The ~~corresponding treatment standards~~ waste constituents to be monitored, if monitoring will not include all regulated constituents, for wastes F001 through F005, F039, D001,

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D002, D012 through D043, and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139, and for underlying hazardous constituents ~~as defined in Section 728.132 of this part~~, in 8001 and 8002 ~~wastes if those wastes are prohibited under Section 728.132 of this part. Treatment standards for all other restricted wastes must either be included, or be referenced, or included on the notification the applicable The generator must also include whether the waste is a nonwastewater or indicate the subcategory of the waste or nonwastewater as defined in Section 728.102(d) or (f)), and subdivisions made within a waste code as applicable and the Sections and subsections where the applicable waste-specific criteria (such as D003 reactive cyanides), treatment standard appears if applicable, where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Section 728.141, and the five-letter WBSK7 also must be listed on the notification.~~

- C) The manifest number associated with the shipment of waste; and

- D) Waste analysis data, where available.

- 5) The treatment facility owner or operator shall submit a certification with each shipment of waste or treatment residue of a restricted waste to the land disposal facility stating that the waste or treatment residue has been treated in compliance with the treatment standards specified in 728.132, Subpart D of this part and the applicable prohibitions set forth in Section 728.132 or 728.139. Debris excluded from the definition of hazardous waste under Section 35 Ill. Adm. Code 720.103(e) (i.e., debris treated by an extraction or destruction technology provided by Section 728.132, and debris that is delisted), however, is subject to the notification and certification requirements of subsection (d) below rather than the certification requirements of subsection (b)(5).

- A) For wastes with treatment standards expressed as concentrations in the waste extract or in the waste (Sections 728.141 or 728.143), or for wastes prohibited under Section 728.132 or 728.139 that are not subject to any treatment standards under 728.132, Subpart D of this part, the certification must be signed by an authorized representative and must state the following:

- I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of

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those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly, so as to comply with the performance levels specified in 35 Ill. Adm. Code 728.132 and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132 or 728.139 or section 3004(d) of the Resource Conservation and Recovery Act without impermissible dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- B) For wastes with treatment standards expressed as technologies (Section 728.142), the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.142. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- C) For wastes with treatment standards expressed as concentrations in the waste pursuant to Section 728.143, if compliance with the treatment standards in 728.143, if ~~this part~~ is based in part or in whole on the analytical detection limit alternative specified in Section 728.143(c), the certification also must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by incineration in units operated in accordance with 35 Ill. Adm. Code 724.143 or 35 Ill. Adm. Code 725.143 or by combustion in fuel substitution units operating in accordance with applicable technical requirements, and I have been unable to detect the nonwastewater organic constituents despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- D) For characteristic wastes D001, D002, and D012 through D043 that are subject to the treatment standards in Section

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728.140 (other than those expressed as a required method of treatment), that are reasonably expected to contain underlying hazardous constituents as defined in Section 728.102(1), that are treated on-site to remove the hazardous characteristic, and that are then sent off-site for treatment of underlying hazardous constituents, the certification must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 to remove the hazardous characteristic. This denatured waste contains underlying hazardous constituents that require further treatment to meet universal treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- 6) If the waste or treatment residue will be further managed at a different treatment or storage facility, the treatment, storage, or disposal facility sending the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.

- 7) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e. the recycler) is not required to notify the receiving facility pursuant to subsection (b)(4) above. With each shipment of such wastes the owner or operator of the recycling facility shall submit a certification described in subsection (b)(5) above and a notice that includes the information listed in subsection (b)(4) above (except the manifest number) to the Agency. The recycling facility also shall keep records of the name and location of each entity receiving the hazardous waste-derived product.

- c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part shall:

- 1) Have copies of the notice and certification specified in subsection (a) or (b) above and the certification specified in Section 728.108, if applicable.

- 2) Test the waste, or an extract of the waste or treatment residue developed using the test method described in Appendix A or using any methods required by generators under Section 728.132, to assure that the wastes or treatment residues are in compliance with the applicable treatment standards set forth in 728.132 and all applicable prohibitions set forth in D of ~~this Part~~ and Sections 728.132 or 728.139. Such testing must be performed according to the frequency specified in the facility's waste

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analysis plan as required by 35 Ill. Adm. Code 724.113 or 725.113.

3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator shall ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.

4) Where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (c)(3) above, with respect to such waste.

d) A generator or treaters that first claim claims that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 728.103(f)(2) 721.103(e) (i.e., debris treated by an extraction or destruction technology provided by Section 728.103(f)(2), and debris that has been delisted) are is subject to the following notification and certification requirements:

1) A one-time notification must be submitted to the Agency including the following information:

A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the treated debris;

B) A description of the hazardous debris as initially generated, including the applicable U.S. EPA hazardous waste numbers; and

C) For debris excluded under 35 Ill. Adm. Code 728.103(f)(2), the technology from Section 728.103(f)(2) used to treat the debris.

2) The notification must be updated if the debris is shipped to a different facility, and, for debris excluded 35 Ill. Adm. Code 721.2(d)(1), if a different type of debris is treated or if a different technology is used to treat the debris.

3) For debris excluded under 35 Ill. Adm. Code 728.103(f)(2), the owner or operator of the treatment facility shall document and certify compliance with the treatment standards of Section 728.103(f)(2), as follows:

A) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;

B) Records must be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and

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C) For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an authorized representative and placed in the facility's files. The certification must state the following:

"I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment."

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 728.109 Special Rules for Characteristic Wastes

a) The initial generator of a solid waste shall determine each U.S. EPA hazardous waste number (waste code) applicable to the waste in order to determine the applicable treatment standards under 728.103(f)(2) of ~~this Part~~. For purposes of this Part, the waste must carry the waste code for any applicable listing under 35 Ill. Adm. Code 721.103(f)(2). In addition, the waste must carry one or more of the waste codes under 35 Ill. Adm. Code 721.103(f)(2) where the waste exhibits the relevant characteristic, except in the case when the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.103(f)(2) operates in lieu of the standard for the waste code under 35 Ill. Adm. Code 721.103(f)(2). C, as specified in subsection (b) below. If the generator determines that its waste displays the characteristic of ignitability (D001) (and is not in the High TOC Ignitable Liquids Subcategory or is not treated by ~~INCIN-PSUBS, CBEST~~ or ~~RORCS of Section 728.103(f)(2)~~ ~~or that its waste displays the characteristic of corrosivity (D002) and is prohibited under Section 728.137, that its waste displays the characteristic of toxicity (D012 through D043) and is prohibited under Section 728.138, the generator shall determine what underlying hazardous constituents (as defined in Section 728.102) are reasonably expected to be present in the D001, or D002, or D012 through D043 waste.~~

b) Where a prohibited waste is both listed under 35 Ill. Adm. Code 721.103(f)(2) and exhibits a characteristic under 35 Ill. Adm. Code 721.103(f)(2), the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.103(f)(2) will operate in lieu of the standard for the waste code under 35 Ill. Adm. Code 721.103(f)(2), provided that the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise, the waste must meet the treatment standards for all applicable listed and characteristic waste codes.

c) In addition to any applicable standards determined from the initial point of generation, no prohibited waste ~~which~~ that exhibits a characteristic under 35 Ill. Adm. Code 721.103(f)(2) shall be

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disposed unless the waste complies with the treatment standards under 728.Subpart D of this Part.

- d) A waste that exhibits a characteristic is also subject to Section 728.107 requirements, except that once the waste is no longer hazardous, one time notification and certification must be placed in the generator's or treaters' files and sent to the Agency. The notification and certification that is placed in the generators' or treaters' files must be updated if the process or operation generating the waste changes or if the subtitle D facility receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the year, but no later than December 31.

- 1) The notification must include the following information:

- A) The name and address of the non-hazardous-waste RCRA Subtitle D (municipal solid waste landfill) facility receiving the waste shipment; and
- B) A description of the waste as initially generated, including the applicable U.S. EPA hazardous waste numbers, the appropriate-wastewater-or-nonwastewater treatability group(s), and the underlying hazardous constituents (as defined in Section 728.102(ii) category)---and---on subdivisions---made---within---a---waste---code---based---on waste-specific-criteria-(such-as-B003---reactive-cyanides); in D001 and D002 wastes prohibited under Section 728.137 or D012 through D043 wastes prohibited under Section 728.138.
- e) the-treatment-standards-applicable-to-the-waste-at-the-treatment-point-of-generation
- 2) The certification must be signed by an authorized representative and must state the language found in Section 728.107(b)(5)(A). If treatment removes the characteristic but does not treat underlying hazardous constituents, then the certification found in Section 728.107(b)(5)(D) applies.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section 728.130 Waste Specific Prohibitions - Solvent Wastes

- a) The spent solvent wastes specified in 35 Ill. Adm. Code 721.131 as HSPPA U.S. EPA Hazardous Waste Numbers F001, F002, F003, F004, and F005 are prohibited under this Part from land disposal (except in an injection well) unless one or more of the following conditions apply:
- 1) The generator of the solvent waste is a small quantity generator of 100 to 1000 kilograms of hazardous waste per month; or

- 2) The solvent waste is generated from any response action taken under CERCLA or from RCRA corrective action, except where the waste is contaminated soil or debris; or
- 3) The initial generator's solvent waste is a solvent-water mixture, solvent-containing sludge or solid, or solvent-contaminated soil (non-CERCLA or non-RCRA corrective action) containing less than 1 percent total F001 through F005 solvent constituents listed in Table A T₁ or
- 4) The solvent waste is a residue from treating a waste described in subsections subsection (a)(1), (a)(2), or (a)(3) above, or the solvent waste is a residue from treating a waste not described in subsections subsection (a)(1), (a)(2), or (a)(3) provided such residue belongs to a different treatability group than the waste as initially generated and wastes belonging to such treatability group are described in subsection (a)(3).

- b) The F001 through F005 solvent wastes listed in subsections (a)(1), (a)(2), (a)(3), or (a)(4) above are prohibited from land disposal.

- c) Effective--November--97--1998--the The F001 through F005 solvent wastes which that are contaminated soil and debris resulting from a CERCLA response or RCRA corrective action or the residue from treatment of these wastes are prohibited from land disposal. Until--November--97--1998--these-waste-may-be-disposed-in-a-landfill-or-surface-impoundment--only--if-such-unit-is-in-compliance-with-the-requirements-specified-in 40-CFR-268.64727--incorporated-by-reference-in-Section-728.105.
- d) The requirements of subsections (a), (b), and (c) above do not apply if:

- 1) The wastes meet the standards of 728.Subpart D; or
- 2) Persons-have-been-granted-an An exemption (adjusted standard) was granted from a prohibition pursuant to a petition under Section 728.1067 with respect to those wastes and units and the activity is covered by the petition; or
- 3) Persons have been granted an extension to the effective date of a prohibition by U.S. EPA pursuant to Section 728.1057 with respect to those wastes and units and the activity is covered by the extension.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 728.133 Waste Specific Prohibitions:----First Third Wastes

- a) The wastes specified in 35 Ill. Adm. Code 721.132 as HSPPA U.S. EPA hazardous wastes numbers listed below are prohibited from land disposal (except in an injection well).
- F006 (nonwastewater)
- K001
- K004 wastes specified in Section Sections 728.143(a) 728.140 and 728.Table B T

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K008 wastes specified in Section Sections 728-143(a) 728.140 and 728.140 Table B T

K015
K016
K018
K019
K020

K021 wastes specified in Section Sections 728-143(a) 728.140 and 728.140 Table B T

K022 (nonwastewater)

K024

K025 nonwastewaters specified in Section Sections 728-143(a) 728.140 and 728.140 Table B T

K030

K036 (nonwastewater)

K037

K044

K045 (nonexplosive)

K046 (nonwastewater)

K047

K060 (nonwastewater)

K061 (nonwastewaters containing less than 15% zinc)

K062 (non CaSO₄)

K069 (nonwastewater)

K083

K086 (solvent washes),

K087

K099

K100 nonwastewaters specified in Section Sections 728-143(a) 728.140 and 728.140 Table B T

K101 (wastewater)

K101 (nonwastewater, low arsenic subcategory--less than 1% total arsenic)

K102 (wastewater)

K102 (nonwastewater, low arsenic subcategory--less than 1% total arsenic)

K103

K104

b) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA U.S. EPA Hazardous Waste No K071 is prohibited from land disposal.

c) The wastes specified in Section 728.110 having a treatment standard in 728.Subpart D based on incineration and which are contaminated soil and debris are prohibited from land disposal.

e) The requirements of subsection (a), (b)₁ and (c)₁ above do not apply if:

1) The wastes waste meet the applicable standards specified in 728.Subpart D; or

2) Persons have been granted an An exemption (adjusted standard) was

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granted from a prohibition pursuant to a petition under Section 728.1067 with respect to those wastes and units and the activity is covered by the petition; or

3) Persons have been granted an extension to the effective date of a prohibition by U.S. EPA pursuant to Section 728.1057 with respect to those wastes and units and the activity is covered by the extension.

f) This subsection corresponds with 40 CFR 268.33(f), a provision whose effectiveness has expired. This statement maintains structural consistency with U.S. EPA regulations.

g) To determine whether a hazardous waste listed in Section 728.110 exceeds the applicable treatment standards specified in Sections 728.131, ~~and 728-143~~ 728.140, and 728.140, the initial generator shall test a representative sample or the extract of the waste, or the generator may use knowledge of the waste, or the generator shall test the entire waste concentrations in the waste extract or the waste. If the waste contains constituents in excess of the applicable 728.Subpart D levels, the waste is prohibited from land disposal and all requirements of this Part are applicable except as otherwise specified.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 728.138 Waste - Specific Prohibitions: -- Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes

a) The wastes specified in 35 Ill. Adm. Code 721.132 as U.S. EPA hazardous waste numbers K141, K142, K143, K144, K145, K147, K148, K149, K150, and K151 are prohibited from land disposal. In addition, debris contaminated with U.S. EPA hazardous waste numbers F037, F038, K107 through K112, K117, K118, K123 through K126, K131, K132, K136, U328, U353, U359 and soil and debris contaminated with D012 through D043, K141 through K145, and K147 through K151 are prohibited from land disposal. The following wastes that are specified in the table at 35 Ill. Adm. Code 721.124(b) as U.S. EPA hazardous waste numbers D012, D013, D014, D015, D016, D017, D018, D019, D020, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D031, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, and D043 that are not radioactive, that are managed in systems other than those whose discharge is regulated under the federal Clean Water Act (CWA); 33 U.S.C. Sections 1251 et seq.), that are zero dischargers that do not engage in CWA-equivalent treatment before ultimate land disposal, or that are injected in Class I deep wells regulated under the Safe Drinking Water Act (SDWA) are prohibited from land disposal. "CWA-equivalent treatment", as used in this section, means biological treatment for organics, alkaline chlorination or ferrous sulfate

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precipitation for cyanide, precipitation and sedimentation for metals, reduction for hexavalent chromium, or another treatment technology that can be demonstrated to perform equally to or better than these technologies.

- b) On September 19, 1996, radioactive wastes that are mixed with any of U.S. EPA hazardous waste number D018 through D043 waste that are managed in systems other than those whose discharge is regulated under the Clean Water Act (CWA), in systems that inject in Class I deep wells regulated under the Safe Drinking Water Act (SDWA), or in systems that are zero discharges that engage in CWA-equivalent treatment, as defined in subsection (a) above, before ultimate land disposal are prohibited from land disposal. Radioactive wastes mixed with any of U.S. EPA hazardous waste number K141 through K145 and K147 through K151 are also prohibited from land disposal. In addition, soil and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.

- c) Between December 19, 1994 and September 19, 1996, the wastes included in subsection (b) above may be disposed in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in Section 728.105(h)(2).

- d) The requirements of subsections (a), (b), and (c) above do not apply if:

- 1) The wastes meet the applicable treatment standards specified in 728.Subpart D;
- 2) Persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those waters and units covered by the petition;
- 3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under Section 728.144;
- 4) Persons have been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to these wastes covered by the extension.

- e) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Sections 728.140 and 728.Table T, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable 728.Subpart D levels, the waste is prohibited from land disposal and all requirements of this Part are applicable, except as otherwise specified.

(Source: Added at 19 Ill. Reg. _____, effective _____)

SUBPART D: TREATMENT STANDARDS

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Section 728.140 Applicability of Treatment Standards

- a) A restricted waste identified in Section 728.141 may be land-disposed only if an extract of the waste or of the treatment residue of the waste developed using Method 1317, the toxicity Characteristic leaching Procedure, does not exceed the value shown in Section 728.Table A for any hazardous constituent listed in Section 728.Table K004, K1017-K1027, P0107, P0117, P0127, P0306, P0308, and U1306. These wastes may be land-disposed only if an extract of the waste or of the treatment residue of the waste developed using either Method 1310, the Extraction Procedure, toxicity test, or Method 1317, the toxicity Characteristic leaching Procedure, or the test method in Section 728.Appendix A does not exceed the concentration shown in Section 728.Table B for any hazardous constituent listed in Section 728.Table A for that waste. Methods 1310 and 1317 are both found in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, 9-S-EPA Publication SW-846, as incorporated by reference in 35-III-Adm-Code 728.111. A waste identified in Section 728.Table T, "Treatment Standards for Hazardous Wastes", may be land-disposed only if it meets the requirements found in that Section. For each waste, Section 728.Table T identifies one of three types of treatment standard requirements:

- 1) All hazardous constituents in the waste or in the treatment residue must be at or below the values found in that Section for that waste ("total waste standards");
- 2) The hazardous constituents in the extract of the waste or in the extract of the treatment residue must be at or below the values found in that Section ("waste extract standards"); or
- 3) The waste must be treated using the technology specified in that Section ("technology standard"), which is described in detail in Section 728.Table C, "Technology Codes and Description of Technology-based Standards".

- b) A restricted waste for which a treatment technology is specified under Section 728.142(a) or hazardous waste for which a treatment technology is specified under Section 728.145 may be land-disposed after it is treated using that specified technology or an equivalent treatment method approved by the Agency under the procedures set forth in Section 728.143(b) for waste displaying the characteristics of ignitability (P001) and reactivity (P003) that are listed to meet the deactivation treatment standard in Section 728.Tables C and D specified in 35-III-Adm-Code 724.117(b) and 35-III-Adm-Code 725.117(b). For wastewaters, compliance with concentration level standards is based on maximums for any one day, except for D004 through D011 wastes for which the previously promulgated treatment standards based on grab samples remain in effect. For all nonwastewaters, compliance with concentration level standards is based

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on grab sampling. For wastes covered by the waste extract standards, the test Method 1311, the Toxicity Characteristic Leaching Procedure, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, incorporated by reference in Section 720.111, must be used to measure compliance. An exception is made for D004 and D008, for which either of two test methods may be used: Method 1311 or Method 1310, the Extraction Procedure Toxicity Test, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, incorporated by reference in Section 720.111. For wastes covered by a technology standard, the wastes may be land disposed after being treated using that specified technology or an equivalent treatment technology approved by the Agency pursuant to Section 728.142(b).

c) ~~Except as otherwise specified in Section 728.143(c), a restricted waste identified in Section 728.143 may be land-disposed only if the constituent concentrations in the waste or treatment residue of the waste do not exceed the value shown in Section 728.143-B for any hazardous constituent listed in Section 728.143-B for that waste.~~ When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.

d) ~~If a treatment standard has been established in Section 728.141 through 728.143 for a hazardous waste that is itself subject to those standards rather than the standards for hazardous debris under Section 728.145, notwithstanding the prohibitions specified in subsection (a) above, treatment and disposal facilities may demonstrate (and certify pursuant to 35 Ill. Adm. Code 728.107(b)(5)) compliance with the treatment standards for organic constituents specified by a footnote in Section 728.141 T, provided the following conditions are satisfied:~~

- 1) The treatment standards for the organic constituents were established based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724. Subpart O, or based on combustion in fuel substitution units operating in accordance with applicable technical requirements;
 - 2) The treatment or disposal facility has used the methods referenced in subsection (d)(1) above to treat the organic constituents; and
 - 3) The treatment or disposal facility may demonstrate compliance with organic constituents if good-faith analytical efforts achieve detection limits for the regulated organic constituents that do not exceed the treatment standards specified in this Section and Section 728.141 T by an order of magnitude.
- e) For characteristic wastes (U.S. EPA hazardous waste numbers D001, D002, and D012 through D043 that are subject to treatment standards in Section 728.141 T, "Treatment Standards for Hazardous Wastes", all underlying hazardous constituents (as defined in Section 728.102(i))

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must meet universal treatment standards, found in Sections 728.148 and 728.149 prior to land disposal.

f) The treatment standards for U.S. EPA hazardous waste numbers F001 through F005 nonwastewater constituents carbon disulfide, cyclohexanone, or methanol apply to wastes that contain only one, two, or three of these constituents. Compliance is measured for these constituents in the waste extract from test Method 1311, the Toxicity Characteristic Leaching Procedure found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, incorporated by reference in Section 720.111. If the waste contains any of these three constituents along with any of the other 25 constituents found in U.S. EPA hazardous waste numbers F001 through F005, then compliance with treatment standards for carbon disulfide, cyclohexanone, or methanol are not required.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 728.141 Treatment Standards expressed as Concentrations in Waste Extract

For the requirements previously found in this Section and for treatment standards in Section 728.141 A, "Table COWE-Constituent Concentrations in Waste Extracts", refer to Section 728.140 and 728.141 T, "Treatment Standards for Hazardous Wastes".

a) ~~Section 728.141 A identifies the restricted wastes and the concentrations of their associated constituents that may not be exceeded by the extract of a waste or waste treatment residue extracted using Method 1311; the toxicity characteristic leaching procedure for the allowable land disposal of such wastes; compliance with these concentrations is required based upon grab samples, unless otherwise noted in Section 728.141 A; Method 1311 is found in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, U.S. EPA Publication SW-846 as incorporated by reference in 35 Ill. Adm. Code 720.111.~~

b) ~~When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern, except that mixtures of high and low time-nonwastewater K601 are subject to the treatment standard for high time-nonwastewater K601.~~

c) ~~The treatment standards for the constituents in F001 through F005 that are listed in Section 728.141 A only apply to wastes which contain one, two, or all three of these constituents; if the waste contains any of these constituents along with any of the other 26 constituents found in F001 through F005, then only the treatment standards in Section 728.141 A are required.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 728.142 Treatment Standards Expressed as Specified Technologies

a) The following wastes in subsections (a)(1) and (b)(2) below and Sections 728.142, Table B T, "Treatment Standards for Hazardous Wastes" for which standards are expressed as a treatment method rather than a concentration level, ~~and--728.142--B~~ must be treated using the technology or technologies specified in subsections (a)(1) and (a)(2) below and Section 728.142, Table E T.

1) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm but less than 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70, incorporated by reference in 35 Ill. Adm. Code 720.141, or burned in high efficiency boilers in accordance with the technical requirements of 40 CFR 761.60. Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70. Thermal treatment in accordance with this Section must be in compliance with applicable regulations in 35 Ill. Adm. Code 724, 725, and 726.

2) Nonliquid hazardous wastes containing halogenated organic compounds (HOCs) in total concentrations greater than or equal to 1000 mg/kg and liquid HOC-containing wastes that are prohibited under Section 728.132(e)(1) must be incinerated in accordance with the requirements of 35 Ill. Adm. Code 724. Subpart O or 35 Ill. Adm. Code 725. Subpart O. These treatment standards do not apply where the waste is subject to a treatment standard codified in 728.142. Subpart C of this Part for a specific HOC (such as a hazardous waste chlorinated solvent for which a treatment standard is established under Section 728.141(a)).

3) A mixture consisting of wastewater, the discharge of which is subject to regulation under 35 Ill. Adm. Code 309 or 310, and de minimis losses of materials from manufacturing operations in which these materials are used as raw materials or are produced as products in the manufacturing process--and that meets the criteria of the D001 ignitable liquids containing greater than 10% total organic constituents (TOC) subcategory--is are subject to the DEACT treatment standard described in Section 728.142, Table C. For purposes of this subsection, "de minimis losses" include:

- A) Those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, or leaks from pipes, valves, or other devices used to transfer materials);
- B) Minor leaks from process equipment, storage tanks, or containers;
- C) Leaks from well-maintained pump packings and seals;
- D) Sample purgings; and

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E) Relief device discharges.

b) Any person may submit an application to the Agency demonstrating that an alternative treatment method can achieve a level of performance equivalent to that achievable by methods specified in subsections (a) above and (c) and (d) below for wastes or specified in Section 728.142, Table F for hazardous debris. The applicant shall submit information demonstrating that the applicant's treatment method is in compliance with federal and state requirements, including this Part; 35 Ill. Adm. Code 709, 724, 725, 726, and 729; and Sections 22.6 and 39(h) of the Environmental Protection Act [415 ILCS 5/22.6 and 39(h)] and that ~~it~~ the treatment method is protective of human health ~~or~~ and the environment. On the basis of such information and any other available information, the Agency shall approve the use of the alternative treatment method if the Agency finds that the alternative treatment method provides a measure of performance equivalent to that achieved by methods specified in subsections (a) above and (c) and (d) below and in Section 728.142, Table F, for hazardous debris. Any approval must be stated in writing and may contain such provisions and conditions as the Agency determines to be appropriate. The person to whom such approval is issued shall comply with all limitations contained in such determination.

c) As an alternative to the otherwise applicable treatment standards of 728.142, Subpart D of this Part, lab packs are eligible for land disposal provided the following requirements are met:

- 1) The lab packs comply with the applicable provisions of 35 Ill. Adm. Code 724.416 and 725.416;
BOARD NOTE: 35 Ill. Adm. Code 729.301 and 729.312 include additional restrictions on the use of lab packs.
- 2) ~~All hazardous wastes contained in such lab packs are specified in Appendix B or Appendix E. The lab pack does not contain any of the wastes listed in Section 728.142, Appendix D;~~
The lab packs are incinerated in accordance with the requirements of 35 Ill. Adm. Code 724. Subpart O or 35 Ill. Adm. Code 725. Subpart O; and
- 4) Any incinerator residues from lab packs containing D004, D005, D006, D007, D008, D010, and D011 are treated in compliance with the applicable treatment standards specified from such wastes in 728.142, Subpart D.
- d) Radioactive hazardous mixed wastes with treatment standards specified in Section 728.142, Table B are not subject to any treatment standards specified in Section 728.142, Table B or 728.142, Table D. Radioactive hazardous mixed wastes not subject to treatment standards in Section 728.142, Table B remain subject to all applicable treatment standards specified in Sections 728.142, Table B, and 728.142, Table D. Where to the treatment standards in Sections 728.142 and 728.142, Table T. Where treatment standards are specified for radioactive mixed wastes in Section 728.142, Table T, "Table of Treatment Standards," those treatment standards will govern. Where there is no specific treatment standard

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for radioactive mixed waste, the treatment standard for the hazardous waste (as designated by EPA waste code) applies. Hazardous debris containing radioactive waste is not subject to the treatment standards specified in Section 728.143(b) but is subject to the treatment standards specified in Section 728.145.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 728.143 Treatment Standards expressed as Waste Concentrations

For the requirements previously found in this Section and for treatment standards in Section 728.143(b), "CCW-Constituent Concentrations in Wastes", refer to Section 728.140 and 728.143(b), "Treatment Standards for Hazardous Wastes".

a) Table B identifies the restricted wastes and the concentrations of their associated hazardous constituents which must not be exceeded by the waste or treatment residual (not an extract of such waste or treatment residual) for the allowable land disposal of such waste or residual. Compliance with these concentrations is required upon grab samples, unless otherwise noted in Table B.

b) When wastes with different treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.

c) Notwithstanding the prohibitions specified in subsection (a) and Table B, treatment and disposal facilities may demonstrate (and certify pursuant to Section 728.143(b)(5)) compliance with the treatment standards for organic constituents specified in this Section and Table B by satisfying the following conditions:

1) The treatment for the organic constituents were established based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724-Subpart 0 or 35 Ill. Adm. Code 725-Subpart 0 or based on combustion in fuel substitution units operating in accordance with applicable technical requirements.

2) The organic constituents have been treated using the methods referenced in subsection (c)(1) and

3) The treatment or disposal facility has been unable to detect the organic constituents despite using the best good faith efforts as defined by applicable standards. Until such standards are developed, such good faith efforts may be demonstrated by showing that the treatment or disposal facility has detected the organic constituents at levels less than ten times the treatment standard specified in this Section.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 728.145 Treatment Standards for Hazardous Debris

a) Treatment standards. Hazardous debris must be treated prior to land disposal as follows unless the Board has determined, under 35 Ill. Adm. Code 721.103(d)(2), that the debris is no longer contaminated with hazardous waste or the debris is treated to the waste-specific treatment standard provided in this Subpart for the waste contaminating the debris:

- 1) General. Hazardous debris must be treated for each "contaminant subject to treatment" defined by subsection (b) of this Section below, using the technology or technologies identified in Section 728.143(b).
- 2) Characteristic debris. Hazardous debris that exhibits the characteristic of ignitability, corrosivity, or reactivity identified under 35 Ill. Adm. Code 721.121, 721.122, and 721.123, respectively, must be deactivated by treatment using one of the technologies identified in Section 728.143(b).
- 3) Mixtures of debris types. The treatment standards of Section 728.143(b) must be achieved for each type of debris contained in a mixture of debris types. If an immobilization technology is used in a treatment train, it must be the last treatment technology used.
- 4) Mixtures of contaminant types. Debris that is contaminated with two or more contaminants subject to treatment identified under subsection (b) of this Section below must be treated for each contaminant using one or more treatment technologies identified in Section 728.143(b). If an immobilization technology is used in a treatment train, it must be the last treatment technology used.
- 5) Waste PCBs. Hazardous debris that is also a waste PCB under 40 CFR 761 is subject to the requirements of either 40 CFR 761 or the requirements of this Section, whichever are more stringent.
- b) Contaminants subject to treatment. Hazardous debris must be treated for each "contaminant subject to treatment". The contaminants subject to treatment must be determined as follows:
 - 1) Toxicity characteristic debris. The contaminants subject to treatment for debris that exhibits the toxicity characteristic (TC) by 35 Ill. Adm. Code 721.124 are those EPA priority pollutants which the debris exhibits the TC toxicity characteristic, except debris contaminated with listed waste. The treatment standards to treatment for debris that is contaminated with a prioritized listed hazardous waste are those constituents of wastes for which BAP treatment standards are established for the waste under Sections 728.143(b)(1) and 728.143(b)(2).
 - 3) Cyanide reactive debris. Hazardous debris that is reactive because of cyanide must be treated for cyanide.

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c) Conditioned exclusion of treated debris. Hazardous debris that has been treated using one of the specified extraction or destruction technologies in Section 728.146 F and that does not exhibit a characteristic of hazardous waste identified under 35 Ill. Adm. Code 721.121 Subpart C after treatment is not a hazardous waste and need not be managed in a subtitle C facility. Hazardous debris contaminated with a listed waste that is treated by an immobilization technology specified in Section 728.146 F is a hazardous waste and must be managed in a RCRA Subtitle C treatment, storage, or disposal facility.

d) Treatment residuals

1) General requirements. Except as provided by subsections (d)(2) and (d)(4) below:

A) Residue from the treatment of hazardous debris must be separated from the treated debris using simple physical or mechanical means; and

B) Residue from the treatment of hazardous debris is subject to the waste-specific treatment standards provided by 728.146 Subpart D of this Part for the waste contaminating the debris.

2) Nontoxic debris. Residue from the deactivation of ignitable, corrosive, or reactive characteristic hazardous debris (other than cyanide-reactive) that is not contaminated with a contaminant subject to treatment defined by subsection (b) above, must be deactivated prior to land disposal and is not subject to the waste-specific treatment standards of 728.146 Subpart D of this Part.

3) Cyanide-reactive debris. Residue from the treatment of debris that is reactive because of cyanide must meet the standards for U.S. EPA hazardous waste number D003 under Section 728.143.

4) Ignitable nonwastewater residue. Ignitable nonwastewater residue containing equal to or greater than 10% total organic carbon is subject to the technology-based standards for U.S. EPA hazardous waste number D001: "Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a)(1)", under Section 728.142.

5) Residue from spalling. Layers of debris removed by spalling are hazardous debris that remain subject to the treatment standards of this Section.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 728.146 Alternative Treatment Standards Based on BTMR

Section 728.146 F identifies alternative treatment standards for P006 and K062 nonwastewaters. For the treatment standards previously found in Section 728.146 G, as formerly referenced in this Section, refer to Sections 728.140 and 728.146 T, "Treatment Standards for Hazardous Wastes".

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 728.148 Universal Treatment Standards

Section 728.148 Table U, "Universal Treatment Standards (UTS)", identifies the hazardous constituents, along with the nonwastewater and wastewater treatment standard levels, that are used to regulate most prohibited hazardous wastes with numerical limits. For determining compliance with treatment standards for underlying hazardous constituents, as defined in Section 728.102(i), these treatment standards may not be exceeded. Compliance with these treatment standards is measured by analysis of grab samples, unless otherwise noted in Section 728.148 Table U.

(Source: Added at 19 Ill. Reg. _____, effective _____)

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Section 728.APPENDIX D Organometallic-Lead-Packs Wastes Excluded from Lab Packs

Hazardous waste with the following U.S. EPA hazardous waste codes may not be placed in lab packs under the alternative lab pack treatment standards of Section 728.142(c): D009, F019, K003, K004, K005, K006, K062, K071, K100, K106, P010, P011, P012, P076, P078, U134, and U151.

Hazardous--waste--with--the--following--EPA--hazardous--waste--code--numbers--may--be placed--in--an--organometallic--or--"Appendix-B--lab--pack":

P0017--P0027--P0037--P0047--P0057--P0067--P0077--P0087--P0097--P0107--P0117--P0127--P0137--P0147--P0157--P0167--P0177--P0187--P0197--P0207--P0217--P0227--P0237--P0247--P0257--P0267--P0277--P0287--P0297--P0307--P0317--P0327--P0337--P0347--P0357--P0367--P0377--P0387--P0397--P0407--P0417--P0427--P0437--P0447--P0457--P0467--P0477--P0487--P0497--P0507--P0517--P0527--P0537--P0547--P0557--P0567--P0577--P0587--P0597--P0607--P0617--P0627--P0637--P0647--P0657--P0667--P0677--P0687--P0697--P0707--P0717--P0727--P0737--P0747--P0757--P0767--P0777--P0787--P0797--P0807--P0817--P0827--P0837--P0847--P0857--P0867--P0877--P0887--P0897--P0907--P0917--P0927--P0937--P0947--P0957--P0967--P0977--P0987--P0997--P1007--P1017--P1027--P1037--P1047--P1057--P1067--P1077--P1087--P1097--P1107--P1117--P1127--P1137--P1147--P1157--P1167--P1177--P1187--P1197--P1207--P1217--P1227--P1237

U0017--U0027--U0037--U0047--U0057--U0067--U0077--U0087--U0097--U0107--U0117--U0127--U0137--U0147--U0157--U0167--U0177--U0187--U0197--U0207--U0217--U0227--U0237--U0247--U0257--U0267--U0277--U0287--U0297--U0307--U0317--U0327--U0337--U0347--U0357--U0367--U0377--U0387--U0397--U0407--U0417--U0427--U0437--U0447--U0457--U0467--U0477--U0487--U0497--U0507--U0517--U0527--U0537--U0547--U0557--U0567--U0577--U0587--U0597--U0607--U0617--U0627--U0637--U0647--U0657--U0667--U0677--U0687--U0697--U0707--U0717--U0727--U0737--U0747--U0757--U0767--U0777--U0787--U0797--U0807--U0817--U0827--U0837--U0847--U0857--U0867--U0877--U0887--U0897--U0907--U0917--U0927--U0937--U0947--U0957--U0967--U0977--U0987--U0997--U1007--U1017--U1027--U1037--U1047--U1057--U1067--U1077--U1087--U1097--U1107--U1117--U1127--U1137--U1147--U1157--U1167--U1177--U1187--U1197--U1207--U1217--U1227--U1237--U1247--U1257--U1267--U1277--U1287--U1297--U1307--U1317--U1327--U1337--U1347--U1357--U1367--U1377--U1387--U1397--U1407--U1417--U1427--U1437--U1447--U1457--U1467--U1477--U1487--U1497--U1507--U1517--U1527--U1537--U1547--U1557--U1567--U1577--U1587--U1597--U1607--U1617--U1627--U1637--U1647--U1657--U1667--U1677--U1687--U1697--U1707--U1717--U1727--U1737--U1747--U1757--U1767--U1777--U1787--U1797--U1807--U1817--U1827--U1837--U1847--U1857--U1867--U1877--U1887--U1897--U1907--U1917--U1927--U1937--U1947--U1957--U1967--U1977--U1987--U1997--U2007--U2017--U2027--U2037--U2047--U2057--U2067--U2077--U2087--U2097--U2107--U2117--U2127--U2137--U2147--U2157--U2167--U2177--U2187--U2197--U2207--U2217--U2227--U2237--U2247--U2257--U2267--U2277--U2287--U2297--U2307--U2317--U2327--U2337--U2347--U2357--U2367--U2377--U2387--U2397--U2407--U2417--U2427--U2437--U2447--U2457--U2467--U2477--U2487--U2497

P0017--P0027--P0037--P0047--P0057--P0067--P0077--P0087--P0097--P0107--P0117--P0127--P0137--P0147--P0157--P0167--P0177--P0187--P0197--P0207--P0217--P0227--P0237--P0247--P0257--P0267--P0277--P0287--P0297--P0307

K0017--K0027--K0037--K0047--K0057--K0067--K0077--K0087--K0097--K0107--K0117--K0127--K0137--K0147--K0157--K0167--K0177--K0187--K0197--K0207--K0217--K0227--K0237--K0247--K0257--K0267--K0277--K0287--K0297--K0307--K0317--K0327--K0337--K0347--K0357--K0367--K0377--K0387--K0397--K0407--K0417--K0427--K0437--K0447--K0457--K0467--K0477--K0487--K0497--K0507--K0517--K0527--K0537--K0547--K0557--K0567--K0577--K0587--K0597--K0607--K0617--K0627--K0637--K0647--K0657--K0667--K0677--K0687--K0697--K0707--K0717--K0727--K0737--K0747--K0757--K0767--K0777--K0787--K0797--K0807--K0817--K0827--K0837--K0847--K0857--K0867--K0877--K0887--K0897--K0907--K0917--K0927--K0937--K0947--K0957--K0967--K0977--K0987--K0997--K1007--K1017--K1027--K1037--K1047--K1057--K1067--K1077--K1087--K1097--K1107--K1117--K1127--K1137--K1147--K1157--K1167--K1177--K1187--K1197--K1207--K1217--K1227--K1237--K1247--K1257--K1267--K1277--K1287--K1297--K1307--K1317--K1327--K1337--K1347--K1357--K1367--K1377--K1387--K1397--K1407--K1417--K1427--K1437--K1447--K1457--K1467--K1477--K1487--K1497--K1507--K1517--K1527--K1537--K1547--K1557--K1567--K1577--K1587--K1597--K1607--K1617--K1627--K1637--K1647--K1657--K1667--K1677--K1687--K1697--K1707--K1717--K1727--K1737--K1747--K1757--K1767--K1777--K1787--K1797--K1807--K1817--K1827--K1837--K1847--K1857--K1867--K1877--K1887--K1897--K1907--K1917--K1927--K1937--K1947--K1957--K1967--K1977--K1987--K1997--K2007--K2017--K2027--K2037--K2047--K2057--K2067--K2077--K2087--K2097--K2107--K2117--K2127--K2137--K2147--K2157--K2167--K2177--K2187--K2197--K2207--K2217--K2227--K2237--K2247--K2257--K2267--K2277--K2287--K2297--K2307--K2317--K2327--K2337--K2347--K2357--K2367--K2377--K2387--K2397--K2407--K2417--K2427--K2437--K2447--K2457--K2467--K2477--K2487--K2497

P0017--P0027--P0037--P0047--P0057--P0067--P0077--P0087--P0097--P0107--P0117--P0127--P0137--P0147--P0157--P0167--P0177--P0187--P0197--P0207--P0217--P0227--P0237--P0247--P0257--P0267--P0277--P0287--P0297--P0307

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NOTICE OF PROPOSED AMENDMENTS

B0157--B0167--B0177

BOARD NOTE: 35 Ill. Adm. Code 729.301 and 729.312 include additional limitations on the use of lab packs.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Section 728.APPENDIX E Organic Lab Packs (Repealed)

Hazardous--wastes with the following EPA-Hazardous-Waste-Code-Not-may-be-placed in an "organic" or "Appendix-B" lab-pack:

P0017-P0027-P0037-P0047-P0057-P0067-P0077-P0087-P0097-P0107-P0117-P0127-P0137-P0147-P0157-P0167-P0177-P0187-P0197-P0207-P0217-P0227-P0237-P0247-P0257-P0267-P0277-P0287-P0297-P0307-P0317-P0327-P0337-P0347-P0357-P0367-P0377-P0387-P0397-P0407-P0417-P0427-P0437-P0447-P0457-P0467-P0477-P0487-P0497-P0507-P0517-P0527-P0537-P0547-P0557-P0567-P0577-P0587-P0597-P0607-P0617-P0627-P0637-P0647-P0657-P0667-P0677-P0687-P0697-P0707-P0717-P0727-P0737-P0747-P0757-P0767-P0777-P0787-P0797-P0807-P0817-P0827-P0837-P0847-P0857-P0867-P0877-P0887-P0897-P0907-P0917-P0927-P0937-P0947-P0957-P0967-P0977-P0987-P0997-P1007-P1017-P1027-P1037-P1047-P1057-P1067-P1077-P1087-P1097-P1107-P1117-P1127-P1137-P1147-P1157-P1167-P1177-P1187-P1197-P1207-P1217-P1227-P1237-P1247-P1257-P1267-P1277-P1287-P1297-P1307-P1317-P1327-P1337-P1347-P1357-P1367-P1377-P1387-P1397-P1407-P1417-P1427-P1437-P1447-P1457-P1467-P1477-P1487-P1497-P1507-P1517-P1527-P1537-P1547-P1557-P1567-P1577-P1587-P1597-P1607-P1617-P1627-P1637-P1647-P1657-P1667-P1677-P1687-P1697-P1707-P1717-P1727-P1737-P1747-P1757-P1767-P1777-P1787-P1797-P1807-P1817-P1827-P1837-P1847-P1857-P1867-P1877-P1887-P1897-P1907-P1917-P1927-P1937-P1947-P1957-P1967-P1977-P1987-P1997-P2007-P2017-P2027-P2037-P2047-P2057-P2067-P2077-P2087-P2097-P2107-P2117-P2127-P2137-P2147-P2157-P2167-P2177-P2187-P2197-P2207-P2217-P2227-P2237-P2247-P2257-P2267-P2277-P2287-P2297-P2307-P2317-P2327-P2337-P2347-P2357-P2367-P2377-P2387-P2397-P2407-P2417-P2427-P2437-P2447-P2457-P2467-P2477-P2487-P2497

P0017-P0027-P0037-P0047-P0057-P0067-P0077-P0087-P0097-P0107-P0117-P0127-P0137-P0147-P0157-P0167-P0177-P0187-P0197-P0207-P0217-P0227-P0237-P0247-P0257-P0267-P0277-P0287-P0297-P0307-P0317-P0327-P0337-P0347-P0357-P0367-P0377-P0387-P0397-P0407-P0417-P0427-P0437-P0447-P0457-P0467-P0477-P0487-P0497-P0507-P0517-P0527-P0537-P0547-P0557-P0567-P0577-P0587-P0597-P0607-P0617-P0627-P0637-P0647-P0657-P0667-P0677-P0687-P0697-P0707-P0717-P0727-P0737-P0747-P0757-P0767-P0777-P0787-P0797-P0807-P0817-P0827-P0837-P0847-P0857-P0867-P0877-P0887-P0897-P0907-P0917-P0927-P0937-P0947-P0957-P0967-P0977-P0987-P0997-P1007-P1017-P1027-P1037-P1047-P1057-P1067-P1077-P1087-P1097-P1107-P1117-P1127-P1137-P1147-P1157-P1167-P1177-P1187-P1197-P1207-P1217-P1227-P1237-P1247-P1257-P1267-P1277-P1287-P1297-P1307-P1317-P1327-P1337-P1347-P1357-P1367-P1377-P1387-P1397-P1407-P1417-P1427-P1437-P1447-P1457-P1467-P1477-P1487-P1497-P1507-P1517-P1527-P1537-P1547-P1557-P1567-P1577-P1587-P1597-P1607-P1617-P1627-P1637-P1647-P1657-P1667-P1677-P1687-P1697-P1707-P1717-P1727-P1737-P1747-P1757-P1767-P1777-P1787-P1797-P1807-P1817-P1827-P1837-P1847-P1857-P1867-P1877-P1887-P1897-P1907-P1917-P1927-P1937-P1947-P1957-P1967-P1977-P1987-P1997-P2007-P2017-P2027-P2037-P2047-P2057-P2067-P2077-P2087-P2097-P2107-P2117-P2127-P2137-P2147-P2157-P2167-P2177-P2187-P2197-P2207-P2217-P2227-P2237-P2247-P2257-P2267-P2277-P2287-P2297-P2307-P2317-P2327-P2337-P2347-P2357-P2367-P2377-P2387-P2397-P2407-P2417-P2427-P2437-P2447-P2457-P2467-P2477-P2487-P2497

P0017-P0027-P0037-P0047-P0057-P0067-P0077-P0087-P0097-P0107-P0117-P0127-P0137-P0147-P0157-P0167-P0177-P0187-P0197-P0207-P0217-P0227-P0237-P0247-P0257-P0267-P0277-P0287-P0297-P0307-P0317-P0327-P0337-P0347-P0357-P0367-P0377-P0387-P0397-P0407-P0417-P0427-P0437-P0447-P0457-P0467-P0477-P0487-P0497-P0507-P0517-P0527-P0537-P0547-P0557-P0567-P0577-P0587-P0597-P0607-P0617-P0627-P0637-P0647-P0657-P0667-P0677-P0687-P0697-P0707-P0717-P0727-P0737-P0747-P0757-P0767-P0777-P0787-P0797-P0807-P0817-P0827-P0837-P0847-P0857-P0867-P0877-P0887-P0897-P0907-P0917-P0927-P0937-P0947-P0957-P0967-P0977-P0987-P0997-P1007-P1017-P1027-P1037-P1047-P1057-P1067-P1077-P1087-P1097-P1107-P1117-P1127-P1137-P1147-P1157-P1167-P1177-P1187-P1197-P1207-P1217-P1227-P1237-P1247-P1257-P1267-P1277-P1287-P1297-P1307-P1317-P1327-P1337-P1347-P1357-P1367-P1377-P1387-P1397-P1407-P1417-P1427-P1437-P1447-P1457-P1467-P1477-P1487-P1497-P1507-P1517-P1527-P1537-P1547-P1557-P1567-P1577-P1587-P1597-P1607-P1617-P1627-P1637-P1647-P1657-P1667-P1677-P1687-P1697-P1707-P1717-P1727-P1737-P1747-P1757-P1767-P1777-P1787-P1797-P1807-P1817-P1827-P1837-P1847-P1857-P1867-P1877-P1887-P1897-P1907-P1917-P1927-P1937-P1947-P1957-P1967-P1977-P1987-P1997-P2007-P2017-P2027-P2037-P2047-P2057-P2067-P2077-P2087-P2097-P2107-P2117-P2127-P2137-P2147-P2157-P2167-P2177-P2187-P2197-P2207-P2217-P2227-P2237-P2247-P2257-P2267-P2277-P2287-P2297-P2307-P2317-P2327-P2337-P2347-P2357-P2367-P2377-P2387-P2397-P2407-P2417-P2427-P2437-P2447-P2457-P2467-P2477-P2487-P2497

P0017-P0027-P0037-P0047-P0057-P0067-P0077-P0087-P0097-P0107-P0117-P0127-P0137-P0147-P0157-P0167-P0177-P0187-P0197-P0207-P0217-P0227-P0237-P0247-P0257-P0267-P0277-P0287-P0297-P0307-P0317-P0327-P0337-P0347-P0357-P0367-P0377-P0387-P0397-P0407-P0417-P0427-P0437-P0447-P0457-P0467-P0477-P0487-P0497-P0507-P0517-P0527-P0537-P0547-P0557-P0567-P0577-P0587-P0597-P0607-P0617-P0627-P0637-P0647-P0657-P0667-P0677-P0687-P0697-P0707-P0717-P0727-P0737-P0747-P0757-P0767-P0777-P0787-P0797-P0807-P0817-P0827-P0837-P0847-P0857-P0867-P0877-P0887-P0897-P0907-P0917-P0927-P0937-P0947-P0957-P0967-P0977-P0987-P0997-P1007-P1017-P1027-P1037-P1047-P1057-P1067-P1077-P1087-P1097-P1107-P1117-P1127-P1137-P1147-P1157-P1167-P1177-P1187-P1197-P1207-P1217-P1227-P1237-P1247-P1257-P1267-P1277-P1287-P1297-P1307-P1317-P1327-P1337-P1347-P1357-P1367-P1377-P1387-P1397-P1407-P1417-P1427-P1437-P1447-P1457-P1467-P1477-P1487-P1497-P1507-P1517-P1527-P1537-P1547-P1557-P1567-P1577-P1587-P1597-P1607-P1617-P1627-P1637-P1647-P1657-P1667-P1677-P1687-P1697-P1707-P1717-P1727-P1737-P1747-P1757-P1767-P1777-P1787-P1797-P1807-P1817-P1827-P1837-P1847-P1857-P1867-P1877-P1887-P1897-P1907-P1917-P1927-P1937-P1947-P1957-P1967-P1977-P1987-P1997-P2007-P2017-P2027-P2037-P2047-P2057-P2067-P2077-P2087-P2097-P2107-P2117-P2127-P2137-P2147-P2157-P2167-P2177-P2187-P2197-P2207-P2217-P2227-P2237-P2247-P2257-P2267-P2277-P2287-P2297-P2307-P2317-P2327-P2337-P2347-P2357-P2367-P2377-P2387-P2397-P2407-P2417-P2427-P2437-P2447-P2457-P2467-P2477-P2487-P2497

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Section 728.APPENDIX J Recordkeeping, Notification, and Certification Requirements

| Entity and Scenario | Frequency | Recipient of Notification | Recordkeeping, Notification, and Certification Requirements |
|---|---------------|--------------------------------|---|
| I. Generator | | | |
| A. Waste does not meet applicable treatment standards or exceeds applicable prohibition levels (see Section 728.107(a)(1)). | Each shipment | Treatment or storage facility. | Notice must include: --U.S. EPA hazardous waste number. --Constituents of concern. --Treatability group. --Manifest number. --Waste analysis data (where available). |
| B. Waste can be disposed of without further treatment (meets applicable treatment standards or does not exceed prohibition levels upon generation) (see Section 728.107(a)(2)). | Each shipment | Land disposal facility | Notice and certification statement that waste meets applicable treatment standards or applicable prohibition levels. Notice must include: --U.S. EPA hazardous waste number. --Constituents of concern. --Treatability group. |

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--Manifest number.

--Waste analysis data (where available).

Certification statement required under Section 728.107(a)(2)(B) that waste complies with treatment standards and prohibitions.

Each shipment Receiving facility

C. Waste is subject to exemption from a prohibition on the type of land disposal utilized for the waste, such as a case-by-case extension under Section 728.105, an exemption under Section 728.106, or a nationwide capacity variance (see Section 728.107(a)(3)).

--Statement that waste is not prohibited from land disposal.

--U.S. EPA hazardous waste number.

--Constituents of concern.

--Treatability group.

--Manifest number.

--Waste analysis data (where available).

--Date the waste is subject to the prohibitions.

Minimum of 30 days prior to treatment activity. Agency. Delivery must be verified.

D. Waste is being accumulated in tanks or containers regulated under 35 Ill. Adm. Code

Generator must develop, keep on-site, and follow a written waste analysis plan describing

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722.134 and is being treated in such tanks or containers to meet applicable treatment standards (see Section 728.107 (a)(4)).

procedures used to comply with the treatment standards.

If waste is shipped off-site, generator also must comply with notification requirement of Section 728.107(a)(2).

Each shipment Treatment facility

E. Generator is managing a lab pack containing certain wastes and wishes to use an alternative treatment standard (see Section 728.107 (a)(8)).

Initial shipment

F. Small quantity generators with tolling agreements (pursuant to 35 Ill. Adm. Code 722.129(e)) (see Section 728.107 (a)(9)).

Must comply with applicable notification and certification requirements in Section 728.107(a).

Generator also must retain copy of the notification and certification together with tolling agreement on-site for at least 1 year after termination or expiration of agreement.

N/A Generator's file

G. Generator has determined waste is restricted based solely on his knowledge of

All supporting data must be retained on-site in generator's files.

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the waste (see Section 728.107 (a)(5)).

H. Generator has determined waste is restricted based on testing waste or an extract (see Section 728.107(a)(5)).

I. Generator has determined that waste is excluded from the definition of hazardous or solid waste or exempt from RCRA Subtitle C (hazardous waste) regulation (see Section 728.107(a)(6)).

J. Generator (or treater) claims that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(F)(1) (see Section 728.107(d)).

N/A
Generator's file

One-time
Generator's file

One-time
Agency. Notification must be updated as necessary under Section 728.107(d)(2).

All waste analysis data must be retained on-site in generator's files.

Notice of generation and subsequent exclusion from the definition of hazardous or solid waste, or exemption from RCRA Subtitle C (hazardous waste) regulation, and information regarding the disposition of the waste.

Notice must include:

--Name and address of RCRA Subtitle D (municipal solid waste landfill) facility receiving treated debris.

--U.S. EPA hazardous waste number and description of debris as initially generated.

--Technology used to treat the debris (Table 1 of Section 728.145).

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Certification and recordkeeping in accordance with Section 728.107 (d)(3).

K. Generator (or treater) claims that characteristic wastes are no longer hazardous (see Section 728.109(d)).
One-time
Generator's (or treater's) files and Agency. Notification must be updated as necessary under Section 728.109(d).

--U.S. EPA hazardous waste number and description of waste as initially generated.

--Treatability group.

---Underlying hazardous constituents.

Certification in accordance with Section 728.109 (d)(2).

Generator must retain a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced pursuant to Section 728.107 on-site for at least 5 years from the date that the waste was last sent

N/A
Generator's file

L. Other recordkeeping requirements (see Section 728.107 (a)(7)).

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to on-site or off-site treatment, storage, or disposal. This period is automatically extended during enforcement actions or as requested by the Agency.

II. Treatment Facility

| | | |
|--|--|-------------------------------|
| <u>A. Waste shipped from treatment facility to land disposal facility (see Sections 728.107(b)(4) and (b)(5)).</u> | <u>Each shipment</u> | <u>Land disposal facility</u> |
| | Notice must include: | |
| | --U.S. EPA hazardous waste number. | |
| | --Constituents of concern. | |
| | --Treatability group. | |
| | --Manifest number. | |
| | --Waste analysis data (where available). | |

Application certification, in accordance with Section 728.107 (b)(5)(A), (b)(5)(B) or (b)(5)(C), stating that the waste or treatment residue has been treated in compliance with applicable treatment standards and prohibitions.

| | | |
|--|----------------------|---------------------------|
| <u>B. Waste treatment residue from a</u> | <u>Each shipment</u> | <u>Receiving facility</u> |
|--|----------------------|---------------------------|

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treatment or storage facility will be further managed at a different treatment or storage facility (see Section 728.107(b)(6)).

C. Where wastes are recyclable materials used in a manner constituting disposal subject to Section 726.120 (b) (see Section 728.107(b)(7)).

| | |
|----------------------|----------------|
| <u>Each shipment</u> | <u>Agency.</u> |
|----------------------|----------------|

No notification to receiving facility required pursuant to Section 728.107(b)(4).

Certification as described in Section 728.107(b)(5) and notice with information listed in Section 728.107 (b)(4), except manifest number.

Recycling facility must keep records of the name and location of each entity receiving hazardous waste-derived products.

III. Land Disposal Facility

| | | |
|--|------------|------------|
| <u>A. Wastes accepted by land disposal facility (see Section 728.107 (c)).</u> | <u>N/A</u> | <u>N/A</u> |
|--|------------|------------|

Maintain copies of notice and certifications specified in Section 728.107(a) and (b).

Certification Statements

A. I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with

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the treatment standards specified in 35 Ill. Adm. Code 728.Subpart D and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132 or RCRA section 3004(d). I believe that the information I submitted is true, accurate and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment. (Section 728.107(a)(2)(B))

B. I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack does not contain any wastes identified at Section 728.Appendix D. I am aware that there are significant penalties for submitting a false certification, including possibility of fine or imprisonment. (Section 728.107(a)(8))

C. I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the performance levels specified in 35 Ill. Adm. Code 728.Subpart D, and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132 or RCRA section 3004(d) without impermissible dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment. (Section 728.107(b)(5)(A))

D. I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.142. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment. (Section 728.107(b)(5)(B))

E. I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by incineration in units operated in accordance with 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O or by combustion in fuel substitution units operating in accordance with applicable technical requirements, and I have been unable to detect the nonwastewater organic constituents, despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment. (Section 728.107(b)(5)(C))

F. I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 to remove the hazardous characteristic. This decharacterized waste contains

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underlying hazardous constituents that require further treatment to meet universal treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment. (Section 728.107(b)(5)(D))

G. I certify under penalty of law that the debris have been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment. (Section 728.107(d)(3)(C))

(Source: Added at 19 Ill. Reg. _____, effective _____)

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Section 728.TABULAR A Constituent Concentration in Waste Extract (CCWE)

For the requirements previously found in this Section and Section 728.141, refer to Section 728.140 and 728.141, "Treatment Standards for Hazardous Wastes".

Br-P-and-K-Bisted-Wastes

| Waste See Code Also | Regulated Hazardous Constituent | EAS-Not-for Regulated Hazardous Constituent | Concentration-(mg/l) Wastewaters |
|---------------------|---------------------------------|---|----------------------------------|
| B004 | Table-B | Arsenic | 7440-38-2 NA 5.0-#A |
| B005 | Table-B | Barium | 7440-39-3 NA 100- |
| B006 | Table-B | Cadmium | 7440-43-9 NA 1.0 |
| B007 | Table-B | Chromium (Total) | 7440-47-32 NA 5.0 |
| B008 | Table-B | Cobalt | 7439-92.1 NA 5.0-#A |
| B009 | Table-B | Lead | 7439-92.1 NA 5.0-#A |
| B009 | Table-B | Mercury (Total) | 7439-97-6 NA 0.20 |
| B010 | Table-B | Selenium | 7782-49-2 NA 5.7 |
| B011 | Table-B | Silver | 7440-22-4 NA 5.0 |
| B001-B005 | Table-B | Wastewaters | 75-1.0 NA 4.0 |
| B006 | Table-B | Wastewaters | 100-4.1 NA 0.75 |
| B007 | Table-B | Wastewaters | 63-5.1 NA 0.75 |
| B008 | Table-B | Wastewaters | 7440-43-9 NA 0.066 |
| B009 | Table-B | Wastewaters | 7440-47-32 NA 5.2 |
| B010 | Table-B | Wastewaters | 7439-92.1 NA 0.51 |
| B011 | Table-B | Wastewaters | 7440-43-9 NA 0.32 |
| B012 | Table-B | Wastewaters | 7440-22-4 NA 0.072 |
| B013 | Table-B | Wastewaters | 7440-43-9 NA 0.066 |
| B014 | Table-B | Wastewaters | 7440-47-32 NA 5.2 |
| B015 | Table-B | Wastewaters | 7439-92.1 NA 0.51 |
| B016 | Table-B | Wastewaters | 7440-43-9 NA 0.32 |
| B017 | Table-B | Wastewaters | 7440-22-4 NA 0.072 |

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| | | | | | |
|--|---------------------|----------------------------|------------|----------|----------|
| P0024 | Table-B | 2,4,6-Trichloro-phenol | 80-06-2 | 0-05-ppm | 0-05-ppm |
| | | 2,3,4,6-Tetra-chlorophenol | 50-00-2 | 0-05-ppm | 0-05-ppm |
| | | Pentachloro-phenol | 87-06-5 | 0-01ppm | 0-01-ppm |
| | | Chromium-(Total) | 7440-47-32 | NA | 0-073 |
| | | Lead | 7439-92-1 | NA | Reserved |
| | | Nickel | 7440-02-0 | NA | 0-000 |
| P0027 | Table-B | Chromium-(Total) | 7440-47-32 | NA | 1-7 |
| | | Nickel | 7440-02-0 | NA | 0-20 |
| P0030 | Table-B | Chromium-(Total) | 7440-47-32 | NA | 1-7 |
| | | Nickel | 7440-02-0 | NA | 0-20 |
| P0039--(and-B001-and-B002-wastes-prohibited-under-Section-720-137) | Tables B-6-B | Antimony | 7440-36-0 | NA | 0-23 |
| | | Arsenic | 7440-30-2 | NA | 5-0 |
| | | Barium | 7440-39-3 | NA | 53- |
| | | Cadmium | 7440-43-9 | NA | 0-066 |
| | | Chromium-(Total) | 7440-47-32 | NA | 5-2 |
| | | Lead | 7439-92-1 | NA | 0-51 |
| | | Mercury | 7439-97-6 | NA | 0-025 |
| | | Nickel | 7440-02-0 | NA | 0-32 |
| | | Selenium | 7702-49-2 | NA | 5-7 |
| | | Silver | 7440-22-4 | NA | 0-072 |
| R001 | Table-B | Lead | 7439-92-1 | NA | 0-51 |
| R002 | Table-B | Chromium-(Total) | 7440-47-32 | NA | 0-094 |
| | | Lead | 7439-92-1 | NA | 0-37 |
| R003 | Table-B | Chromium-(Total) | 7440-47-32 | NA | 0-094 |
| | | Lead | 7439-92-1 | NA | 0-37 |
| R004 | Table-B | Chromium-(Total) | 7440-47-32 | NA | 0-094 |
| | | Lead | 7439-92-1 | NA | 0-37 |
| R005 | Table-B | Chromium-(Total) | 7440-47-32 | NA | 0-094 |
| | | Lead | 7439-92-1 | NA | 0-37 |
| R006 | (anhydrous) Table-B | Chromium-(Total) | 7440-47-32 | NA | 0-094 |
| | | Lead | 7439-92-1 | NA | 0-37 |

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| | | | | | |
|------|--------------------|------------------|------------|----|---------|
| R006 | (hydrated) Table-B | Chromium-(Total) | 7440-47-32 | NA | 5-2 |
| R007 | Table-B | Chromium-(Total) | 7440-47-32 | NA | 0-094 |
| | | Lead | 7439-92-1 | NA | 0-37 |
| R008 | Table-B | Chromium-(Total) | 7440-47-32 | NA | 0-094 |
| | | Lead | 7439-92-1 | NA | 0-37 |
| R015 | Table-B | Chromium-(Total) | 7440-47-32 | NA | 1-7 |
| | | Nickel | 7440-02-0 | NA | 0-2 |
| R021 | Table-B | Antimony | 7440-36-0 | NA | 0-23-#A |
| R022 | Table-B | Chromium-(Total) | 7440-47-32 | NA | 5-2 |
| | | Nickel | 7440-02-0 | NA | 0-32 |
| R020 | Table-B | Chromium-(Total) | 7440-47-32 | NA | 0-073 |
| | | Lead | 7439-92-1 | NA | 0-021 |
| | | Nickel | 7440-02-0 | NA | 0-000 |
| R031 | Table-B | Arsenic | 7440-30-2 | NA | 5-6-#A |
| R046 | Table-B | Lead | 7439-92-1 | NA | 0-10 |
| R040 | Table-B | Chromium-(Total) | 7440-47-32 | NA | 1-7 |
| | | Nickel | 7440-02-0 | NA | 0-20 |
| R049 | Table-B | Chromium-(Total) | 7440-47-32 | NA | 1-7 |
| | | Nickel | 7440-02-0 | NA | 0-20 |
| R050 | Table-B | Chromium-(Total) | 7440-47-32 | NA | 1-7 |
| | | Nickel | 7440-02-0 | NA | 0-20 |
| R051 | Table-B | Chromium-(Total) | 7440-47-32 | NA | 1-7 |
| | | Nickel | 7440-02-0 | NA | 0-20 |
| R052 | Table-B | Chromium-(Total) | 7440-47-32 | NA | 1-7 |
| | | Nickel | 7440-02-0 | NA | 0-20 |
| R061 | Table-B | Antimony | 7440-36-0 | NA | 2-1 |
| | | Arsenic | 7440-30-2 | NA | 0-055 |
| | | Barium | 7440-39-3 | NA | 7-6 |
| | | Beryllium | 7440-41-7 | NA | 0-014 |
| | | Cadmium | 7440-43-9 | NA | 0-19 |
| | | Chromium-(Total) | 7440-47-32 | NA | 0-33 |
| | | Lead | 7439-92-1 | NA | 0-37 |
| | | Mercury | 7439-97-6 | NA | 0-009 |

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| | | | | | |
|------|---|---|--------------------------------------|----------------|-----------------------------------|
| R062 | Table-B | Chromium-(total) lead | 7440-47-32 7439-92-1 | NA NA | 5- 0-16 0-3 0-070 5-3 |
| R069 | Lead-(Cadmium-Subcategory) Tables B-8-B | Cadmium lead | 7440-43-9 7439-92-1 | NA NA | 0-14 0-24 |
| R071 | Table-B | Mercury | 7439-97-6 | NA | 0-025 |
| R083 | Table-B | Nickel | 7440-02-0 | NA | 0-000 |
| R084 | Table-B | Arsenic | 7440-30-2 | NA | 5-6-#A |
| R086 | Table-B | Chromium-(total) lead | 7440-47-32 7439-92-1 | NA NA | 0-094 0-37 |
| R087 | Table-B | lead | 7439-92-1 | NA | 0-51 |
| R100 | Table-B | Cadmium Chromium-(total) lead | 7440-43-9 7440-47-32 7439-92-1 | NA NA NA | 0-066 5-2 0-51 |
| R101 | Table-B | Arsenic | 7440-30-2 | NA | 5-6-#A |
| R102 | Table-B | Arsenic | 7440-30-2 | NA | 5-6-#A |
| R106 | Table-B | Mercury-Subcategory--less-than-300-mg/kg-Mercury--residues from-RMERC Tables B-8-B | 7439-97-6 | NA | 0-020 |
| R106 | Table-B | Mercury-Subcategory--less-than-300-mg/kg-Mercury--total-ate not-residues-from-RMERC Tables B-8-B | 7439-97-6 | NA | 0-025 |
| R115 | Table-B | Nickel | 7440-02-0 | NA | 0-32 |

P-and-B-Listed-Wastes
EAS-No-1-for

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| Waste Code | Chemical Name | See Also | Regulated Hazardous Constituent | Regulated Hazardous Constituent | Concentration-(mg/lit) Non Waste- Waters |
|---------------|------------------|--|---------------------------------------|---------------------------------------|---|
| P010 | Table | Arsenic | Arsenic | 7440-30-2 | NA |
| #A | B | acid | Arsenic | 7440-30-2 | 5-6 |
| P011 | Table | Arsenic | Arsenic | 7440-30-2 | NA |
| #A | B | pentoxide | Arsenic | 7440-30-2 | 5-6 |
| P012 | Table | Arsenic | Arsenic | 7440-30-2 | NA |
| #A | B | trioxide | Barium cyanide | 7440-30-3 | 5-2 |
| P013 | Table | Barium cyanide | Arsenic | 7440-30-2 | NA |
| P016 | Table | Bichloro- | Arsenic | 7440-30-2 | 5-6 |
| #A | B | phenylar- sine | Arsenic | 7440-30-2 | NA |
| P030 | Table | Bichloro- | Arsenic | 7440-30-2 | 5-6 |
| #A | B | arsine | Mercury | 7439-97-6 | NA |
| P065 | Table | Mercury-Subcategory--less-than-300-mg/kg-Mercury--residues-from RMERC | Mercury | 7439-97-6 | 0-20 |
| P065 | Table | Mercury-Subcategory--less-than-300-mg/kg-Mercury--total-ate not-residues-from-RMERC | Mercury | 7439-97-6 | 0-025 |
| P073 | Table | Nickel | Nickel | 7440-02-0 | NA |
| P074 | Table | Nickel | Nickel | 7440-02-0 | 0-32 |
| P092 | Table | Mercury-Subcategory--less-than-300-mg/kg-Mercury--residues from RMERC | Mercury | 7439-97-6 | 0-20 |
| P092 | Table | Mercury-Subcategory--less-than-300-mg/kg-Mercury--total-ate not-residues-from-RMERC | Mercury | 7439-97-6 | 0-025 |
| P099 | Table | Potassium silver | Potassium silver | 7440-22-4 | 0-072 |

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| | | | | | |
|------|---------|---|------------|----|-------|
| P103 | Table B | Cyanide | 7702-49-2 | NA | 5-7 |
| P104 | Table B | Selenium | 7440-22-4 | NA | 0-072 |
| P110 | Table B | Silver | 7439-92-1 | NA | 0-51 |
| P114 | Table B | Lead | 7702-49-2 | NA | 5-7 |
| U032 | Table B | Thallium | 7440-47-32 | NA | 0-094 |
| U051 | Table B | Selenite | 7439-92-1 | NA | 0-51 |
| U136 | Table B | Chromium (Total) | 7440-30-2 | NA | 5-6 |
| U144 | Table B | Chromate | 7439-92-1 | NA | 0-51 |
| U145 | Table B | Acetate | 7439-92-1 | NA | 0-51 |
| U146 | Table B | Phosphate | 7439-92-1 | NA | 0-51 |
| U151 | Table B | Subacetate | 7439-92-1 | NA | 0-51 |
| U151 | Table B | Mercury-Subcategory--less-than-260-mg/kg-Mercury--residues-form RMERC) | 7439-97-6 | NA | 0-20 |
| U151 | Table B | Mercury | 7439-97-6 | NA | 0-20 |
| U151 | Table B | Mercury-Subcategory--less-than-260-mg/kg-Mercury--that-are-not residues-from-RMERC) | 7439-97-6 | NA | 0-025 |
| U204 | Table B | Selenium | 7702-49-2 | NA | 5-7 |
| U205 | Table B | Selenium dioxide | 7702-49-2 | NA | 5-7 |
| U205 | Table B | Sulfide | 7702-49-2 | NA | 5-7 |

*A--These treatment standards have been based on BP-5 eachate analysis but this does not preclude the use of RCBP analysis.

*B--These waste codes are not subcategorized into wastewaters and nonwastewaters.

NA--Not-Applicable.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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| | |
|---|---|
| Section 728. TABLE B | Constituent Concentrations in Waste (CCW) |
| For the requirements previously found in this Section and for treatment standards in Section 728.1143, "Constituent Concentrations in Wastes (CCW)", refer to Section 728.140 and 728. Table T, "Treatment Standards for Hazardous Wastes". | |

| Br-P-and-K-Bisted-Wastes | | CAS-No.-for | | Regulated | | Concentration-(mg/L) | |
|--------------------------|--|-------------------|------------------|-----------|-------------|----------------------|-------------|
| Waste | See | Regulated | Regulated | Hazardous | Constituent | Wastewaters | Non- |
| Code | Also | Code | Code | Code | Code | Code | Wastewaters |
| B003 | Resective-cyanides-subcategory--based-on-35-III-Adm-Code 721-123(4757) | NA | Cyanides-(Total) | 57-12-5 | Reg- | #-5901-C | -30- |
| B004 | Table-A | Arsenic | 7440-30-2 | 5-0 | NA | NA | NA |
| B005 | Table-A | Barium | 7440-39-3 | 100- | NA | NA | NA |
| B006 | Table-A | Cadmium | 7440-43-9 | 1-0 | NA | NA | NA |
| B007 | Table-A | Chromium-(Total) | 7440-47-32 | 5-0 | NA | NA | NA |
| B008 | Table-A | Lead | 7439-92-1 | 5-0 | NA | NA | NA |
| B009 | Table-A | Mercury | 7439-97-6 | 0-20 | NA | NA | NA |
| B010 | Table-A | Selenium | 7702-49-2 | 1-0 | NA | NA | NA |
| B011 | Table-A | Silver | 7440-22-4 | 5-0 | NA | NA | NA |
| B012 | Table-B | Endrin | 720-20-0 | NA | 0-13-A | 0-13-A | 0-13-A |
| B013 | Table-B | Bindane | 50-09-9 | NA | 0-066-A | 0-066-A | 0-066-A |
| B014 | Table-B | Methoxychlor | 72-43-5 | NA | 0-10-A | 0-10-A | 0-10-A |
| B015 | Table-B | Toxaphene | 8001-35-1 | NA | 1-3-A | 1-3-A | 1-3-A |
| B016 | Table-B | 2-4-D | 94-75-7 | NA | 10-0-A | 10-0-A | 10-0-A |
| B017 | Table-B | 2-4-75-PP-(Stent) | 93-76-5 | NA | 7-0-A | 7-0-A | 7-0-A |

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| | | | | | |
|--------------------------|------------|-------|-------|--|--|
| P001-P005-spent-solvents | | | | | |
| Acetone | 67-64-1 | 0-20 | 160- | | |
| Benzene | 71-43-2 | 0-070 | 3-7-A | | |
| n-Butyl-alcohol | 71-36-3 | 5-6 | 2-6 | | |
| Carbon-tetra- | 56-23-5 | 0-057 | 5-6 | | |
| chloride | | | | | |
| Chlorobenzene | 100-90-7 | 0-057 | 5-7 | | |
| Cresol-(m--and | | 0-77 | 3-2 | | |
| p-isomer) | | | | | |
| o-cresol | | 0-21 | 5-6 | | |
| o-Dichloro- | 95-50-1 | 0-000 | 6-2 | | |
| benzene | | | | | |
| Ethyl-acetate | 141-7-6 | 0-34 | 3-7 | | |
| Ethyl-benzene | 100-41-4 | 0-057 | 6-0 | | |
| Ethyl-ether | 60-29-7 | 0-12 | 160- | | |
| Isobutyl | 78-09-1 | 5-6 | 170- | | |
| alcohol | | | | | |
| Methylene- | 75-9-2 | 0-009 | 3-7 | | |
| chloride | | | | | |
| Methyl-ethyl | 78-93-3 | 0-20 | 3-7 | | |
| ketone | | | | | |
| Methyl-isobutyl | 100-10-1 | 0-14 | 3-7 | | |
| ketone | | | | | |
| Nitrobenzene | 98-95-3 | 0-060 | 14- | | |
| Pyridine | 110-06-1 | 0-014 | 15- | | |
| Tetrachloro- | 127-18-4 | 0-056 | 5-6 | | |
| ethylene | | | | | |
| Toluene | 100-00-9 | 0-00 | 20- | | |
| 1,1,1-trichloro- | 71-55-6 | 0-054 | 5-6 | | |
| ethane | | | | | |
| 1,1,2-trichloro- | 79-00-5 | 0-030 | 7-6-A | | |
| ethane | | | | | |
| Trichloro- | 79-01-6 | 0-054 | 5-6 | | |
| ethylene | | | | | |
| 1,1,2-tri- | 76-13-1 | 0-057 | 20- | | |
| chloro-1,2,2- | | | | | |
| trifluoro- | | | | | |
| methane | | | | | |
| Trichloromono- | 75-69-4 | 0-02 | 3-7 | | |
| fluoromethane | | | | | |
| Xylenes-(total) | | 0-32 | 20- | | |
| | | | | | |
| P006 | | | | | |
| Table-A | 57-12-5 | 1-2 | 500- | | |
| Evanides-(total) | | | | | |
| Evanides | | | | | |
| Amendable | 57-12-5 | 0-06 | 30- | | |
| Chromium | 7440-43-9 | 1-6 | NA | | |
| Chromium | 7440-47-32 | 0-32 | NA | | |

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|------------------|------------|-------|--|--|-------|
| | | | | | |
| Bead | 7439-92-1 | 0-040 | | | NA |
| Nickel | 7440-02-0 | 0-44 | | | NA |
| | | | | | |
| P007 | | | | | |
| Table-A | 57-12-5 | 1-9 | | | 500- |
| Evanides-(total) | | | | | |
| Evanides | | | | | 30- |
| Amendable | 57-12-5 | 0-1 | | | NA |
| Chromium-(total) | 7440-47-32 | 0-32 | | | NA |
| Bead | 7439-92-1 | 0-04 | | | NA |
| Nickel | 7440-02-0 | 0-44 | | | NA |
| | | | | | |
| P008 | | | | | |
| Table-A | 57-12-5 | 1-9 | | | 500- |
| Evanides-(total) | | | | | |
| Evanides | | | | | 30- |
| Amendable | 57-12-5 | 0-1 | | | NA |
| Chromium | 7440-47-32 | 0-32 | | | NA |
| Bead | 7439-92-1 | 0-04 | | | NA |
| Nickel | 7440-02-0 | 0-44 | | | NA |
| | | | | | |
| P009 | | | | | |
| Table-A | 57-12-5 | 1-9 | | | 500- |
| Evanides-(total) | | | | | |
| Evanides | | | | | 30- |
| Amendable | 57-12-5 | 0-1 | | | NA |
| Chromium | 7440-47-32 | 0-32 | | | NA |
| Bead | 7439-92-1 | 0-04 | | | NA |
| Nickel | 7440-02-0 | 0-44 | | | NA |
| | | | | | |
| P010 | NA | | | | 1-5 |
| Table-A | 57-12-5 | 1-9 | | | |
| Evanides-(total) | | | | | |
| Evanides | | | | | NA |
| Amendable | 57-12-5 | 0-1 | | | NA |
| Chromium | 7440-47-32 | 0-32 | | | NA |
| Bead | 7439-92-1 | 0-04 | | | NA |
| Nickel | 7440-02-0 | 0-44 | | | NA |
| | | | | | |
| P011 | | | | | |
| Table-A | 57-12-5 | 1-9 | | | 110- |
| Evanides-(total) | | | | | |
| Evanides | | | | | 9-1 |
| Amendable | 57-12-5 | 0-1 | | | NA |
| Chromium-(total) | 7440-47-32 | 0-32 | | | NA |
| Bead | 7439-92-1 | 0-04 | | | NA |
| Nickel | 7440-02-0 | 0-44 | | | NA |
| | | | | | |
| P012 | | | | | |
| Table-A | 57-12-5 | 1-9 | | | 110- |
| Evanides-(total) | | | | | |
| Evanides | | | | | 9-1 |
| Amendable | 57-12-5 | 0-1 | | | NA |
| Chromium-(total) | 7440-47-32 | 0-32 | | | NA |
| Bead | 7439-92-1 | 0-04 | | | NA |
| Nickel | 7440-02-0 | 0-44 | | | NA |
| | | | | | |
| P013 | | | | | |
| Table-A | 57-12-5 | 1-2 | | | 500-E |
| Evanides-(total) | | | | | |
| Evanides | | | | | 30-E |
| Amendable | 57-12-5 | 0-06 | | | NA |
| Chromium-(total) | 7440-47-32 | 0-32 | | | NA |
| Bead | 7439-92-1 | 0-04 | | | NA |
| Nickel | 7440-02-0 | 0-44 | | | NA |
| | | | | | |
| P014 | | | | | |
| Table-A | 57-12-5 | 1-2 | | | 500-E |
| Evanides-(total) | | | | | |
| Evanides | | | | | 30-E |
| Amendable | 57-12-5 | 0-06 | | | NA |
| Chromium-(total) | 7440-47-32 | 0-32 | | | NA |
| Bead | 7439-92-1 | 0-04 | | | NA |
| Nickel | 7440-02-0 | 0-44 | | | NA |
| | | | | | |
| P015 | | | | | |
| Table-A | 57-12-5 | 1-2 | | | 500-E |
| Evanides-(total) | | | | | |
| Evanides | | | | | 30-E |
| Amendable | 57-12-5 | 0-06 | | | NA |
| Chromium-(total) | 7440-47-32 | 0-32 | | | NA |
| Bead | 7439-92-1 | 0-04 | | | NA |
| Nickel | 7440-02-0 | 0-44 | | | NA |
| | | | | | |
| P016 | | | | | |
| Table-A | 57-12-5 | 1-2 | | | 500-E |
| Evanides-(total) | | | | | |
| Evanides | | | | | 30-E |
| Amendable | 57-12-5 | 0-06 | | | NA |
| Chromium-(total) | 7440-47-32 | 0-32 | | | NA |
| Bead | 7439-92-1 | 0-04 | | | NA |
| Nickel | 7440-02-0 | 0-44 | | | NA |
| | | | | | |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

ENGINE+1

Tables
A-6-B

| | | | |
|---|------------|---------|---------|
| 2-Chloro-1,3-butadiene | 126-99-8 | 0-20-A | 0-20-A |
| 3-Chloropropene | 107-05-1 | 0-20-A | 0-20-A |
| 1,1-Dichloroethane | 75-34-3 | 0-014-A | 0-014-A |
| 1,2-Dichloroethane | 107-06-2 | 0-014-A | 0-014-A |
| 1,2-Dichloroethane | 78-07-5 | 0-014-A | 0-014-A |
| Cis-1,3-Dichloropropene | 10061-01-5 | 0-014-A | 0-014-A |
| trans-1,3-Dichloropropene | 10061-02-6 | 0-014-A | 0-014-A |
| 1,1-Dichloroethane | 117-81-7 | 0-036-A | 1-0-A |
| Phthalate | 67-72-1 | 0-036-A | 2-10-A |
| Hexachloroethane | 7440-47-32 | 0-35 | NA |
| Chromium-(total) | 7440-02-0 | 0-47 | NA |
| Nickel | | | |
| P025 (Bright-ends-subcategory) | | | |
| Chloroform | 67-66-3 | 0-046-B | 6-2-A |
| 1,2-Dichloroethane | 107-06-2 | 0-21-B | 6-2-A |
| 1,1-Dichloroethane | 75-35-4 | 0-035-B | 6-2-A |
| Methylene chloride | 75-9-2 | 0-009-B | 31-1-A |
| Carbon-tetrachloride | 56-23-5 | 0-057-B | 6-2-A |
| 1,1,2-Trichloroethane | 79-00-5 | 0-054-B | 6-2-A |
| 1,1,2-Trichloroethane | 79-01-6 | 0-054-B | 5-6-A |
| Vinyl-chloride | 75-01-4 | 0-27-B | 33-1-A |
| P025 (Spent-filters-or-aids-and-desiccants-subcategory) | | | |
| Chloroform | 67-66-3 | 0-046-B | 6-2-A |
| Methylene chloride | 75-9-2 | 0-009-B | 31-1-A |
| Carbon-tetrachloride | 56-23-5 | 0-057-B | 6-2-A |
| 1,1,2-Trichloroethane | 79-00-5 | 0-054-B | 6-2-A |
| 1,1,2-Trichloroethane | 79-01-6 | 0-054-B | 5-6-A |
| Vinyl-chloride | 75-01-4 | 0-27-B | 33-1-A |
| Hexachloro | | | |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|----------------------------|------------|---------|--------|
| Benzene | 110-74-1 | 0-055-B | 37-1-A |
| Hexachlorobutadiene | 87-60-3 | 0-055-B | 20-1-A |
| Hexachloroethane | 67-72-1 | 0-055-B | 30-1-A |
| P037 | | | NA |
| Acenaphthene | 200-96-8 | 0-059-B | 20-1-A |
| Anthracene | 120-12-7 | 0-059-B | 14-1-A |
| Benzene | 71-43-2 | 0-14-B | 20-1-A |
| Benzo(a)anthracene | 50-32-8 | 0-059-B | 20-1-A |
| Benzofluorene | 117-81-7 | 0-061-B | 12-1-A |
| Bis(2-ethylhexyl)phthalate | 75-15-0 | 0-20-B | 7-3-A |
| Phthalate | 210-01-9 | 0-059-B | 12-1-A |
| Chrysene | 105-67-9 | 0-057-B | 3-6-A |
| Di-n-butylphthalate | 100-41-4 | 0-057-B | 14-1-A |
| Ethylbenzene | 86-73-7 | 0-059-B | NA |
| Fluorene | 91-20-3 | 0-059-B | 42-1-A |
| Naphthalene | 85-01-8 | 0-059-B | 34-1-A |
| Phenanthrene | 108-95-2 | 0-039-B | 3-6-A |
| Phenol | 109-00-0 | 0-067-B | 36-1-A |
| Pyrene | 100-00-3 | 0-08-B | 14-1-A |
| Resorcinol | 100-00-3 | 0-08-B | 22-1-A |
| Xylenes | 57-12-5 | 0-020-B | 1-0-A |
| Cyanides | 7440-47-32 | 0-2 | NA |
| (total) | | | |
| Chromium | 7439-92-1 | 0-037 | NA |
| (total) | | | |
| Lead | | | |
| P038 | | | |
| Benzene | 71-43-2 | 0-14-B | 14-1-A |
| Benzo(a)pyrene | 50-32-8 | 0-061-B | 14-1-A |
| Bis(2-ethylhexyl)phthalate | 117-81-7 | 0-20-B | 7-3-A |
| Phthalate | 210-01-9 | 0-059-B | 12-1-A |
| Chrysene | 105-67-9 | 0-057-B | 3-6-A |
| Di-n-butylphthalate | 100-41-4 | 0-057-B | 14-1-A |
| Ethylbenzene | 86-73-7 | 0-059-B | NA |
| Fluorene | 91-20-3 | 0-059-B | 42-1-A |
| Naphthalene | 85-01-8 | 0-059-B | 34-1-A |
| Phenanthrene | 108-95-2 | 0-039-B | 3-6-A |
| Phenol | 109-00-0 | 0-067-B | 36-1-A |
| Pyrene | 100-00-3 | 0-08-B | 14-1-A |
| Resorcinol | 100-00-3 | 0-08-B | 22-1-A |
| Xylenes | 57-12-5 | 0-020-A | 1-0-A |
| Cyanides | | | |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|--|------------|----------|---------|
| totalt | 7449-47-32 | 0-2 | NA |
| Chromium | | | |
| totalt | 7439-92-1 | 0-037 | NA |
| Lead | | | |
| and-B001-and-B002-wastes-prohibited-under-Section-720.1377 | | | |
| Acetone | 67-64-1 | 0-28-B | 169-7-A |
| Acenaphthalene | 208-96-0 | 0-059-B | 3-4-A |
| Acenaphthene | 83-32-9 | 0-059-B | 4-0-A |
| Acetonitrile | 75-05-0 | 0-17-B | NA |
| Acetophenone | 96-06-2 | 0-010-B | 9-7-A |
| 2-Acetylamin- | | | |
| fluorene | 053-96-3 | 0-059-B | 140-A |
| Acrolien | 107-02-0 | 0-29-B | NA |
| Acrylonitrile | 107-13-1 | 0-24-B | 04-A |
| Aldrin | 509-00-2 | 0-021-B | 0-060-A |
| 4-Aminobiphenyl | 92-67-1 | 0-13-B | NA |
| Aniline | 62-53-3 | 0-01-B | 14-A |
| Anthrane | 120-12-7 | 0-059-B | 4-0-A |
| Aranite | 140-57-0 | 0-36-B | NA |
| Acroton-1016 | 12674-11-2 | 0-013-B | 0-92-A |
| Acroton-1221 | 11104-20-3 | 0-014-B | 0-92-A |
| Acroton-1232 | 114116-5 | 0-013-B | 0-92-A |
| Acroton-1242 | 53469-21-9 | 0-017-B | 0-92-A |
| Acroton-1248 | 12672-29-6 | 0-013-B | 0-92-A |
| Acroton-1254 | 11097-69-1 | 0-014-B | 1-0-A |
| Acroton-1260 | 11096-02-5 | 0-014-B | 1-0-A |
| alpha-BRE | 313-04-6 | 0-0014-B | 0-066-A |
| beta-BRE | 313-05-7 | 0-0014-B | 0-066-A |
| delta-BRE | 313-06-0 | 0-023-B | 0-066-A |
| gamma-BRE | 50-09-9 | 0-0017-B | 0-066-A |
| Benzene | 71-43-2 | 0-14-B | 36-A |
| Benzofanthra- | | | |
| cene | 56-55-3 | 0-059-B | 0-2-A |
| Benzofluor- | | | |
| anthene | 205-90-2 | 0-055-B | 3-4-A |
| Benzofluor- | | | |
| anthene | 205-00-9 | 0-059-B | 3-4-A |
| Benzofluor- | | | |
| anthene | 191-24-2 | 0-055-B | 1-5-A |
| Benzofluor- | | | |
| anthene | 50-32-0 | 0-061-B | 0-2-A |
| Bromochloro- | | | |
| methane | 75-27-4 | 0-35-B | 15-A |
| Bromoforn | | | |
| fluorobrom | | | |
| methane | 75-25-2 | 0-03-B | 15-A |
| Bromomethane | | | |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|---------------------|------------|----------|--------|
| (methyl-bromide) | 74-63-9 | 0-11-B | 15-A |
| 4-Bromophenyl | | | |
| phenyl-ether | 101-55-3 | 0-055-B | 15-A |
| n-Butyl-alcohol | 71-36-3 | 5-6-B | 2-6-A |
| Butyl-benzyl | | | |
| phthalate | 85-60-7 | 0-017-B | 7-9-A |
| 2-sec-Butyl-4,6- | | | |
| dinitrophenol | 00-05-7 | 0-066-B | 2-5-A |
| Carbon | | | |
| tetrachloride | 56-23-5 | 0-057-B | 5-6-A |
| Carbon-disulfide | 75-15-0 | 0-014-B | NA |
| Chlorane | 57-74-9 | 0-0033-B | 0-13-A |
| p-Chloroaniline | 106-47-0 | 0-46-B | 16- |
| Chlorobenzene | 100-90-7 | 0-057-B | 5-7-A |
| chlorobenzilate | 510-15-6 | 0-10-B | NA |
| 2-Chloro-1,3- | | | |
| butadiene | 126-99-0 | 0-057-B | NA |
| Chlorodibrom- | | | |
| omethane | 124-40-1 | 0-057-B | 16-A |
| Chloroethane | 75-00-3 | 0-27-B | 6-0-A |
| bis(2-Chloroethoxy) | | | |
| methane | 111-91-1 | 0-036-B | 7-2-A |
| bis(2-Chloroethoxy) | | | |
| ether | 111-44-4 | 0-033-B | 7-2-A |
| Chloroform | 67-66-3 | 0-046-B | 5-6-A |
| bis(2-chloro- | | | |
| isopropyl) | 39630-32-9 | 0-055-B | 7-2-A |
| ether | | | |
| p-Chloro- | | | |
| cresol | 59-50-7 | 0-010-B | 14-A |
| Chloromethane | | | |
| (Methyl-chlor- | 74-07-3 | 0-10-B | 33-A |
| ide) | | | |
| 2-Chloronaph- | | | |
| thalene | 91-0-7 | 0-055-B | 5-6-A |
| 2-Chlorophenol | 95-57-0 | 0-044-B | 5-7-A |
| 3-Chloropropene | 107-05-1 | 0-036-B | 20-A |
| Styrene | 210-01-9 | 0-059-B | 0-2-A |
| o-Cresol | 95-48-7 | 0-11-B | 5-6-A |
| Cresol-(m- and | | | |
| p-isomers) | | | |
| Epithexamine | 100-94-1 | 0-77-B | 3-2-A |
| 1,2-Dibromo-3- | | | |
| chloropropane | 96-12-0 | 0-11-B | 15-A |
| 1,2-Dibromo- | | | |
| ethane | 106-93-4 | 0-020-B | 15-A |
| (Biphenyl-bromide) | | | |
| Bibromomethane | 74-95-3 | 0-11-B | 15-A |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | | | | | |
|--|-----------|----------|---------|--------------------------------|-----------|---------|---------|
| 2,4-Dichloro- phenoxyacetic acid-(2,4-D) | 94-75-7 | 0-72-B | 10-A | 476-Dinitro-o- cresol | 534-52-1 | 0-20-B | 160-A |
| 2,4,5- trichlorophenoxy- acetic acid | 53-19-0 | 0-023-B | 0-007-A | 2,4-Dinitrophenol | 51-20-5 | 0-12-B | 160-A |
| 2,4,6- trichlorophenoxy- acetic acid | 72-54-0 | 0-023-B | 0-007-A | 2,4-Dinitro- toluene | 121-14-2 | 0-32-B | 140-A |
| 2,4,6- trichlorophenoxy- acetic acid | 3424-02-6 | 0-031-B | 0-007-A | 2,6-Dinitro- toluene | 606-20-2 | 0-55-B | 20-A |
| 2,4,6- trichlorophenoxy- acetic acid | 72-55-9 | 0-031-B | 0-007-A | Di-n-octyl phthalate | 117-04-0 | 0-013-B | 20-A |
| 2,4,6- trichlorophenoxy- acetic acid | 709-02-6 | 0-0039-B | 0-007-A | Di-n-propylnitro- samine | 621-64-7 | 0-40-B | 14-A |
| 2,4,6- trichlorophenoxy- acetic acid | 50-29-3 | 0-0039-B | 0-007-A | Biphenylamine | 122-39-4 | 0-52-B | NA |
| anthracene | 53-70-3 | 0-055-B | 0-2-A | 1,2-Biphenyl hydrazine | 122-66-7 | 0-007-B | NA |
| Benzofuran | 192-65-4 | 0-061-B | NA | Biphenylnitro- samine | 621-64-7 | 0-40-B | NA |
| Benzofuran | 541-73-1 | 0-036-B | 6-2-A | 1,4-Dioxane | 123-91-1 | 0-12-B | 170-A |
| benzene | 95-50-1 | 0-000-B | 6-2-A | Bisulfeton | 290-04-4 | 0-013-B | 6-2-A |
| benzene | 106-46-7 | 0-000-B | 6-2-A | Endosulfan-I | 939-90-0 | 0-023-B | 0-066-A |
| benzene | 75-71-0 | 0-23-B | 7-2-A | Endosulfan-II | 33213-6-5 | 0-023-B | 0-13-A |
| 1,1-Dichloroethane | 75-34-3 | 0-009-B | 7-2-A | Endosulfan sulfate | 1031-07-0 | 0-029-B | 0-13-A |
| 1,1-Dichloroethane | 197-06-2 | 0-21-B | 7-2-A | Endrin | 72-20-0 | 0-000-B | 0-13-A |
| 1,1-Dichloroethy- lene | 75-35-4 | 0-025-B | 33-A | Endrin | 7421-93-4 | 0-025-B | 0-13-A |
| 1,2-Dichloroethane | 106-67-2 | 0-004-B | 33-A | ethyl acetate | 141-70-6 | 0-34-B | 33-A |
| 1,2-Dichloroethane | 120-03-2 | 0-044-B | 14-A | Ethyl cyanide | 107-12-0 | 0-24-B | 360-A |
| 1,2-Dichloroethane | 87-65-0 | 0-044-B | 14-A | Ethyl benzene | 100-41-4 | 0-057-B | 6-0-A |
| 1,2-Dichloroethane | 87-65-0 | 0-044-B | 14-A | Ethyl ether | 60-29-7 | 0-12-B | 160-A |
| 1,2-Dichloroethane | 87-65-0 | 0-044-B | 14-A | 1,2-Ethylenehexyl phthalate | 117-01-7 | 0-20-B | 20-A |
| 1,2-Dichloroethane | 87-65-0 | 0-044-B | 14-A | Ethyl methacrylate | 97-63-2 | 0-14-B | 160-A |
| 1,2-Dichloroethane | 87-65-0 | 0-044-B | 14-A | Ethylene oxide | 75-21-0 | 0-12-B | NA |
| 1,2-Dichloroethane | 87-65-0 | 0-044-B | 14-A | Paraphenylene | 52-05-7 | 0-013-B | 15-A |
| 1,2-Dichloroethane | 87-65-0 | 0-044-B | 14-A | Phenanthrene | 206-44-0 | 0-060-B | 0-2-A |
| 1,2-Dichloroethane | 87-65-0 | 0-044-B | 14-A | Phenanthrene | 66-73-7 | 0-059-B | 4-0-A |
| 1,2-Dichloroethane | 87-65-0 | 0-044-B | 14-A | Phenanthrene | 75-09-4 | 0-020-B | 33-A |
| 1,2-Dichloroethane | 87-65-0 | 0-044-B | 14-A | Phenanthrene | 76-44-0 | 0-012-B | 0-066-A |
| 1,2-Dichloroethane | 87-65-0 | 0-044-B | 14-A | Phenanthrene | 1024-57-3 | 0-010-B | 0-066-A |
| 1,2-Dichloroethane | 87-65-0 | 0-044-B | 14-A | Phenanthrene | 110-74-1 | 0-055-B | 37-A |
| 1,2-Dichloroethane | 87-65-0 | 0-044-B | 14-A | Phenanthrene | 87-00-9 | 0-055-B | 20-A |
| 1,2-Dichloroethane | 87-65-0 | 0-044-B | 14-A | Phenanthrene | 87-00-9 | 0-055-B | 20-A |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|--|-----------|------------|---------|
| Isopentadiene | 77-47-4 | 0-057-B | 3-6-A |
| Hexachlorodi- benzofurans | | 0-000003-B | 0-001-A |
| Hexachloro- dibenzo-p- dioxins | | 0-000003-B | 0-001-A |
| Hexachloro- ethane | 67-72-1 | 0-055-B | 20-A |
| Hexachloro- propene | 1000-71-7 | 0-035-B | 20-A |
| Indenofl2,7,3- erydpyrene | 193-39-5 | 0-055-B | 0-2-A |
| Iodomethane | 74-00-4 | 0-019-B | 65-A |
| Isobutanol | 70-03-1 | 5-6-B | 170-A |
| Isodrin | 465-73-6 | 0-021-B | 0-066-A |
| Isosafrole | 120-50-1 | 0-001-B | 2-6-A |
| Kepone | 143-50-0 | 0-001-B | 0-13-A |
| Methacrylo- nitride | 126-90-7 | 0-24-B | 04-A |
| Methanol | 67-56-1 | 5-6-B | NA |
| Methapyrene | 91-00-5 | 0-001-B | 1-5-A |
| Methoxychlor | 72-43-5 | 0-25-B | 0-10-A |
| 3-Methylohol- anthrene | 56-49-5 | 0-055-B | 15-A |
| 4,4-Methylene- bis-(2-chloro- aniline) | 101-14-4 | 0-50-B | 35-A |
| Methylene chloride | 75-09-2 | 0-009-B | 33-A |
| Methyl-ethyl ketone | 70-99-3 | 0-20-B | 36-A |
| Methyl-isobutyl ketone | 100-10-1 | 0-14-B | 33-A |
| Methyl methacrylate | 80-62-6 | 0-14-B | 160-A |
| Methyl methanesulfonate | 66-27-3 | 0-10-B | NA |
| Methyl-sulfathion | 290-00-0 | 0-04-B | 4-6-B |
| Naphthalene | 91-20-3 | 0-059-B | 3-1-A |
| 2-Naphthylamine | 91-59-0 | 0-53-B | NA |
| p-Nitroaniline | 100-01-6 | 0-000-B | 20-A |
| Nitrobenzene | 90-95-3 | 0-000-B | 14-A |
| 5-Nitro-o- toluidine | 99-55-0 | 0-33-B | 20-A |
| 4-Nitrophenol | 100-02-7 | 0-13-B | 29-A |
| N-Nitrosodimethy- lamine | 55-10-5 | 0-40-B | 20-A |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|---------------------------------------|------------|------------|---------|
| N-Nitrosodimethy- lamine | 62-75-9 | 0-40-B | NA |
| N-Nitroso-di-n- butylamine | 924-16-3 | 0-40-B | 17-A |
| N-Nitrosomethyl- ethylamine | 105-95-6 | 0-40-B | 2-3-A |
| N-Nitrosomor- phine | 59-09-2 | 0-40-B | 2-3-A |
| N-Nitrosopiperi- dine | 100-75-4 | 0-013-B | 35-A |
| N-Nitrosopyr- rolidine | 930-55-2 | 0-013-B | 35-A |
| Parathion | 56-30-2 | 0-0014-B | 4-6-A |
| Pentachloro- benzene | 600-93-5 | 0-055-B | 37-A |
| Pentachlorodi- benzo-furans | | 0-000003-B | 0-001-A |
| Pentachloro- dibenzo-p- dioxins | | 0-000003-B | 0-001-A |
| Pentachloro- nitrobenzene | 82-60-0 | 0-055-B | 4-0-A |
| Pentachloro- phenol | 87-06-5 | 0-009-B | 7-4-A |
| Phenacetin | 62-44-2 | 0-001-B | 16-A |
| Phenanthrene | 85-01-0 | 0-059-B | 3-1-A |
| Phenol | 100-95-2 | 0-039-B | 6-2-A |
| Phorate | 290-02-2 | 0-021-B | 4-6-A |
| Phthalic anhydride | 85-44-9 | 0-069-B | NA |
| Protonide | 23950-50-5 | 0-099-B | 1-5-A |
| Pyrene | 129-00-0 | 0-067-B | 0-2-A |
| Pyridine | 110-06-1 | 0-014-B | 16-A |
| Safrole | 94-59-7 | 0-001-B | 22-A |
| Stilben-12,7,7 | | | |
| 5-PPH | 93-72-1 | 0-72-B | 7-9-A |
| 2,4,5-B | 93-76-5 | 0-72-B | 7-9-A |
| 1,2,4,5-tetra- chlorobenzene | | | |
| Tetrachlorodi- benzofurans | 95-94-3 | 0-055-B | 19-A |
| Tetrachloro- dibenzo-p- dioxins | | 0-000003-B | 0-001-A |
| 1,1,1,2-tetra- chloroethane | | 0-000003-B | 0-001-A |
| 1,1,1,2,2-penta- chloroethane | 630-20-6 | 0-057-B | 42-A |

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| | | | |
|--|------------|----------|-------|
| chloroethane | 79-34-6 | 0-057-B | 42-A |
| tetrachloro- ethylene | 127-10-4 | 0-056-B | 5-6-A |
| 2,3,4,6-tetra- chlorophenol | 50-90-2 | 0-030-B | 37-A |
| toluene | 100-80-3 | 0-080-B | 20-A |
| toxaphene | 8001-35-1 | 0-0095-B | 1-3-A |
| 1,2,7,8-tetrachloro- benzene | 120-82-1 | 0-055-B | 19-A |
| 1,1,1-trichloro- ethane | 71-55-6 | 0-054-B | 5-6-A |
| 1,1,2-trichloro- ethane | 79-00-5 | 0-054-B | 5-6-A |
| trichloro- ethylene | 79-01-6 | 0-054-B | 5-6-A |
| 2,4,5-trichloro- ophenol | 95-95-4 | 0-10-B | 37-A |
| 2,4,6-trichloro- ophenol | 80-06-2 | 0-035-B | 37-A |
| 1,2,3-trichloro- propane | 96-10-4 | 0-05-B | 20-A |
| 1,1,2-trichloro- 1,2,2-tetrachloro- ethane | 76-13-1 | 0-057-B | 20-A |
| tris-(2,3-dibromo- propyl)-phos- phate | 126-73-7 | 1-1-B | NA |
| vinyl-chloride | 75-01-4 | 0-27-A | 33-B |
| xylenes† | 57-12-5 | 0-32-B | 20-A |
| cyanides-(total†) | 16964-40-0 | 1-2-B | 1-0-A |
| fluoride | 0496-35-0 | 35-B | NA |
| sulfide | 7449-36-0 | 14-B | NA |
| antimony | 7440-38-2 | 1-9-B | NA |
| arsenic | 7440-39-3 | 1-4-B | NA |
| barium | 7440-41-7 | 1-2-B | NA |
| beryllium | 7440-43-9 | 0-02-B | NA |
| cadmium | 7440-47-32 | 0-20-B | NA |
| chromium | 7440-50-8 | 0-37-B | NA |
| (total†) | 7440-50-8 | 1-3-B | NA |
| copper | 7439-92-1 | 0-20-B | NA |
| lead | 7439-97-6 | 0-15-B | NA |
| mercury | 7440-02-0 | 0-55-B | NA |
| nickel† | 7440-19-2 | 0-02-B | NA |
| seleium | 7440-22-4 | 0-29-B | NA |
| silver | 7440-30-0 | 1-4-B | NA |
| thallium | 7440-62-2 | 0-042-B | NA |
| vanadium | 7440-66-0 | 1-0-B | NA |
| zinc | | | |

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| | | | | | |
|------|---------|------------------------|------------|---------|-------|
| K001 | Table-A | Naphtha- lene | 91-20-3 | 0-031-A | 1-5-A |
| | | Pentachloro- phenol | 87-06-5 | 0-031-A | 1-5-A |
| | | Phenanthrene | 85-01-0 | 0-10-A | 7-4-A |
| | | Pyrene | 129-00-0 | 0-020-A | 1-5-A |
| | | toluene | 100-80-3 | 0-020-A | 20-A |
| | | Xylenes (total†) | 7439-92-1 | 0-032-A | 33-A |
| | | lead | | 0-037-A | NA |
| K002 | Table-A | Chromium (total†) | 7440-47-32 | 2-9-B | NA |
| | | lead | 7439-92-1 | 3-4-B | NA |
| K003 | Table-A | Chromium (total†) | 7440-47-32 | 0-9-B | NA |
| | | lead | 7439-92-1 | 3-4-B | NA |
| K004 | Table-A | Chromium (total†) | 7440-47-32 | 0-9-B | NA |
| | | lead | 7439-92-1 | 3-4-B | NA |
| K005 | Table-A | Chromium (total†) | 7440-47-32 | 0-9-B | NA |
| | | lead | 7439-92-1 | 3-4-B | NA |
| K006 | Table-A | Chromium (total†) | 7440-47-32 | 0-9-B | NA |
| | | lead | 7439-92-1 | 3-4-B | NA |
| K007 | Table-A | Chromium (total†) | 7440-47-32 | 0-9-B | NA |
| | | lead | 7439-92-1 | 3-4-B | NA-B |
| K008 | Table-A | Chromium (total†) | 7440-47-32 | 0-9-B | NA |
| | | lead | 7439-92-1 | 3-4-B | NA |
| K009 | NA | Chloroform | 67-66-3 | 0-1 | 6-0-A |
| K010 | NA | Chloroform | 67-66-3 | 00-1 | 6-0 |
| K011 | NA | Acetonitrile | 75-05-0 | 30- | 1-0 |

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| | | | | | |
|------|---------|------------------|------------|----------|--------|
| K013 | NA | Acrylonitrile | 107-13-1 | 0-06 | 1-4 |
| | | Acrylamide | 79-06-1 | 19- | 23- |
| | | Benzene | 71-43-2 | 0-02 | 0-03 |
| | | Cyanide | 57-12-5 | 21- | 57- |
| | | (Total) | | | |
| K014 | NA | Acetonitrile | 75-05-0 | 30- | 1-0-A |
| | | Acrylonitrile | 107-13-1 | 0-06 | 1-4-A |
| | | Acrylamide | 79-06-1 | | 23-A |
| | | Benzene | 71-43-2 | 0-02 | 0-03-A |
| | | Cyanide | 57-12-5 | 21- | 57- |
| K014 | NA | Acetonitrile | 75-05-0 | 30- | 1-0-A |
| | | Acrylonitrile | 107-13-1 | 0-06 | 1-4-A |
| | | Acrylamide | 79-06-1 | 19- | 23-A |
| | | Benzene | 71-43-2 | 0-02 | 0-03-A |
| | | Cyanide | 57-12-5 | 21- | 57- |
| K015 | Table-A | Anthracene | 120-12-7 | 0-059 | 3-4-A |
| | | Benzal-Chloride | 90-07-3 | 0-20 | 6-2-A |
| | | Sum-of-Benzo- | 207-08-9 | 0-055 | 3-4 |
| | | fluorant- | | | |
| | | thene-and-Benzo- | | | |
| | | fluorant- | | | |
| | | Phenanthrene | 05-03-0 | 0-05 | 3-4-A |
| | | Toluene | 100-00-3 | 0-00 | 6-0-A |
| | | Chromat | | | |
| | | (Total) | 7440-47-32 | 0-32 | NA |
| | | Nickel | 7440-02-0 | 0-44 | NA |
| K016 | NA | Hexachlor- | | | |
| | | obenzene | 110-74-1 | 0-055 | 20--A |
| | | Hexachloro- | | | |
| | | butadiene | 07-60-3 | 0-055 | 5-6-A |
| | | Hexachloro- | | | |
| | | isopentadiene | 71-47-4 | 0-057 | 5-6-A |
| | | Hexachloro- | | | |
| | | ethane | 67-72-1 | 0-055 | 20--A |
| | | Hexachloro- | | | |
| | | ethene | 127-10-4 | 0-056 | 6-0-A |
| K017 | NA | 1,2-Dichloro- | | | |
| | | propane | 70-07 | 0-05-A-B | 10--A |
| | | 1,2,3-Trichloro- | | | |
| | | propane | 90-10 | 0-05-A-B | 20--A |
| | | | | | |
| | | | | | |

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| | | | | | |
|------|----|--------------------------|----------|-----------|-------|
| K018 | NA | Bis(2-chloro-ethyl)ether | 111-44 | 0-033-A-B | 7-2-A |
| | | Chloroethane | 76-00-3 | 0-27 | 6-0-A |
| | | Chloromethane | 74-07-3 | 0-19 | NA |
| | | 1,1-Dichloro-ethane | 75-34-3 | 0-059 | 6-0-A |
| | | 1,2-Dichloro-ethane | 107-06-2 | 0-21 | 6-0-A |
| | | Hexachloro- | | | |
| | | benzene | 110-74-1 | 0-055 | 20--A |
| | | Hexachloro- | | | |
| | | butadiene | 07-60-3 | 0-055 | 5-6-A |
| | | Pentachloro- | | | |
| | | ethane | 76-01-7 | NA | 5-6 |
| | | 1,1,1-Trichloro-ethane | 71-55-6 | 0-054 | 6-0 |
| | | Hexachloro- | 67-72-1 | 0-055 | 20--A |
| | | | | | |
| | | | | | |
| K019 | NA | Bis(2-chloro-ethyl)ether | 111-44-4 | 0-033 | 5-6-A |
| | | Chlorobenzene | 100-90-7 | 0-057 | 6-0-A |
| | | Chloroform | 67-66-3 | 0-046 | 6-0-A |
| | | p-Dichloro- | | | |
| | | benzene | 100-46-7 | 0-09 | NA |
| | | 1,2-Dichloro- | | | |
| | | ethane | 107-06-2 | 0-21 | 6-0-A |
| | | Picorene | 86-73-7 | 0-059 | NA |
| | | Hexachloro- | | | |
| | | ethane | 67-72-1 | 0-055 | 20--A |
| | | Naphthalene | 91-20-3 | 0-059 | 5-6-A |
| | | Phenanthrene | 85-01-0 | 0-059 | 5-6-A |
| | | 1,2,4,5-Tetra- | | | |
| | | chlorobenzene | 95-94-3 | 0-055 | NA |
| | | Tetrachloro- | | | |
| | | ethene | 127-10-4 | 0-056 | 6-0-A |
| | | 1,2,4-Trichloro- | | | |
| | | benzene | 120-03-1 | 0-055 | 19--A |
| | | 1,1,1-Trichloro- | | | |
| | | ethane | 71-55-6 | 0-054 | 6-0-A |
| K020 | NA | 1,2-Dichloro- | | | |
| | | ethane | 106-93-4 | 0-21 | 6-0-A |
| | | 1,1,2,2-Tetra- | | | |
| | | chloroethane | 79-34-6 | 0-057 | 5-6-A |
| | | Tetrachloro- | | | |
| | | ethane | 127-10-4 | 0-056 | 6-0-A |
| | | | | | |

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| | | | | | |
|------|---------|---------------------|-----------|---------|---------|
| R021 | Table-A | Chloroform | 67-66-3 | 0-046-B | 6-2-A |
| | | Carbon-tetra- | 50-23-5 | 0-057-B | 6-2-A |
| | | chloride | 7440-36-0 | 0-60-B | 6-2-A |
| | | Antimony | | | |
| R022 | Table-A | Toluene | 100-08-3 | 0-090-B | 0-034-A |
| | | Acetophenone | 96-06-2 | 0-060-B | 19-A |
| | | Biphenylamine | 22-39-4 | 0-52-B | NA |
| | | Biphenylnitro- | | | |
| | | amine | 86-30-6 | 9-0-40 | NA |
| | | Sum-of-Biphenyl- | | | |
| | | amine-and-Biphenyl- | | | |
| | | nitrosamine | 100-95-2 | NA | 13-A |
| | | Phenol | 100-95-2 | 0-039 | 12-A |
| | | Chromium | 7440-47-3 | 0-35 | NA |
| | | (Total) | 7440-02-0 | 0-47 | NA |
| | | Nickel | | | |
| R023 | NA | Phthalic-anhy- | | | |
| | | dride | | | |
| | | (measured-as | 85-44-9 | 0-069 | 20-A |
| | | Phthalic-acid) | | | |
| R024 | NA | Phthalic-anhy- | | | |
| | | dride | | | |
| | | (measured-as | 85-44-9 | 0-069 | 20-A |
| | | Phthalic-acid) | | | |
| R029 | Table-A | 1,1-Dichloro- | | | |
| | | ethane | 75-34-3 | 0-059 | 6-0-A |
| | | trans-1,2- | | | |
| | | Dichloro- | | | |
| | | ethene | | 0-054 | 6-0-A |
| | | Hexachloro- | 07-60-3 | 0-055 | 5-6-A |
| | | butadiene | | | |
| | | Hexachloro- | 67-72-1 | 0-055 | 20-A |
| | | ethane | | | |
| | | Pentachloro- | 76-01-7 | NA | 5-0-A |
| | | ethane | | | |
| | | 1,1,1,2-Tetra- | 690-20-6 | 0-057 | 5-0-A |
| | | chloroethane | | | |
| | | 1,1,1,2-Tetra- | 79-34-6 | 0-057 | 5-0-A |
| | | chloroethane | | | |
| | | 1,1,1,2-Tetra- | 71-55-6 | 0-054 | 6-0-A |
| | | chloroethane | | | |
| | | 1,1,2-Trichloro- | 79-00-5 | 0-054 | 6-0-A |
| | | ethane | | | |
| | | Tetrachloro- | | | |

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| | | | |
|------------------|-----------|---------|---------|
| ethylene | 127-10-4 | 0-056 | 6-0-A |
| Cadmium | 7440-43-9 | 6-4 | NA |
| Chromium | | | |
| (Total) | 7440-47-3 | 0-35 | NA |
| Lead | 7439-92-1 | 0-037 | NA |
| Nickel | 7440-02-0 | 0-47 | NA |
| Chloroform | 67-66-3 | 0-46 | 6-0-A |
| 1,2-Dichloro- | | | |
| ethane | 107-06-2 | 0-21 | 6-0-A |
| 1,1-Dichloro- | | | |
| ethylene | 75-35-4 | 0-025 | 6-0-A |
| 1,1,1-Trichloro- | | | |
| ethane | 71-55-6 | 0-054 | 6-0-A |
| Vinyl | | | |
| chloride | 75-01-4 | 0-27 | 6-0-A |
| o-Dichloro- | | | |
| benzene | 95-50-1 | 0-000 | NA |
| p-Dichloro- | | | |
| benzene | 106-46-7 | 0-09 | NA |
| Hexachloro- | | | |
| butadiene | 07-60-3 | 0-055 | 5-6-A |
| Hexachloro- | | | |
| ethane | 67-72-1 | 0-055 | 20-A |
| Hexachloro- | | | |
| propene | 100-71-7 | NA | 19-A |
| Pentachloro- | | | |
| benzene | 600-93-5 | NA | 20-A |
| Pentachloro- | | | |
| ethane | 76-01-7 | NA | 5-6-A |
| 1,2,4,5-Tetra- | | | |
| chlorobenzene | 95-94-3 | 0-055 | 14-A |
| Tetrachloro- | | | |
| ethene | 127-10-4 | 0-056 | 6-0-A |
| 1,2,4-Trichloro- | | | |
| benzene | 120-02-1 | 0-055 | 19-A |
| Arsenic | 7440-30-2 | SN0-79 | NA |
| Hexachloro- | | | |
| cyclopenta- | | | |
| dione | 77-47-4 | 0-057-B | 24-A |
| Chlordane | 57-74-9 | 0-003-B | 0-26-A |
| Heptachlor | 76-44-0 | 0-003-B | 0-066-A |
| Heptachlor | | | |
| epoxide | 1024-57-3 | 0-016-B | 0-066-A |

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| | | | | | |
|------|----|-----------------------------|----------|---------|--------|
| K033 | NA | Hexachloro-cyclopenta-diene | 77-47-4 | 0-057-B | 2-4-A |
| K034 | NA | Hexachloro-cyclopenta-diene | 77-47-4 | 0-057-B | 2-4-A |
| K035 | NA | Acenaphthene | 83-32-9 | NA | 3-4-A |
| | | Anthracene | 120-12-7 | NA | 3-4-A |
| | | Benzofuran-thracene | 56-55-3 | 0-159-B | 3-4-A |
| | | Benzofuran-pyrene | 50-32-8 | NA | 3-4-A |
| | | Chrysene | 218-01-9 | 0-059-B | 3-4-A |
| | | Bibenzofuran | 53-70-3 | NA | 3-4-A |
| | | Fluoranthene | 206-44-0 | 0-060-B | 3-4-A |
| | | Fluorene | 86-73-7 | NA | 3-4-A |
| | | Indenofuran | 123-23-2 | NA | 3-4-A |
| | | Pyrene | 123-23-2 | NA | 3-4-A |
| | | Benzo(a)pyrene | 123-23-2 | 0-077-B | NA |
| | | Naphthalene | 91-20-3 | 0-159-B | 3-4-A |
| | | o-Cresol | 95-48-7 | 0-11-B | NA |
| | | Phenanthrene | 85-01-8 | 0-059-B | 3-4-A |
| | | Phenol | 108-95-2 | 0-039 | NA |
| | | Pyrene | 123-23-2 | 0-067-B | 0-2-A |
| K036 | NA | Bisulfoton | 208-04-4 | 0-025-B | 0-1-A |
| K037 | NA | Bisulfoton | 208-04-4 | 0-025-B | 0-1-A |
| | | Toluene | 108-00-3 | 0-000-B | 20-1-A |
| K038 | NA | Phorate | 208-02-2 | 0-025 | 0-1-A |
| K039 | NA | Phorate | 208-02-2 | 0-025 | 0-1-A |
| K040 | NA | Phorate | 208-02-2 | 0-025 | 0-1-A |
| K041 | NA | Toluene | 108-00-3 | 0-000-B | 20-1-A |
| K042 | NA | Chlorobenzene | 95-94-3 | 0-055-B | 4-4-A |
| | | o-Dichloro-benzene | 95-50-1 | 0-000-B | 4-4-A |
| | | p-Dichloro-benzene | 106-46-7 | 0-090-B | 4-4-A |
| | | Pentachloro-benzene | 608-03-5 | 0-055-B | 4-4-A |

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| | | | | | |
|------|---------|-------------------------------|-----------|----------|---------|
| K043 | NA | 1,2,3,4-Tetrachloro-benzene | 120-02-1 | 0-055-B | 4-4-A |
| | | Phenol | 120-03-2 | 0-044 | 0-30-A |
| | | Phenol | 107-65-0 | 0-044 | 0-34-A |
| | | Phenol | 95-95-4 | 0-10 | 0-2-A |
| | | Phenol | 00-06-2 | 0-035 | 7-6-A |
| | | Tetrachloro-benzene | NA | NA | 0-60-A |
| | | Pentachloro-benzene | 07-06-5 | 0-009 | 1-9-A |
| | | Phenol | 79-01-6 | 0-056 | 1-7-A |
| | | Hexachloro-dibenzo-p-dioxins | 0-000063 | 0-000063 | 0-001-A |
| | | Hexachloro-dibenzo-furans | 0-000063 | 0-000063 | 0-001-A |
| | | Pentachloro-dibenzo-p-dioxins | 0-000063 | 0-000063 | 0-001-A |
| | | Pentachloro-dibenzo-furans | 0-000063 | 0-000063 | 0-001-A |
| | | Tetrachloro-dibenzo-p-dioxins | 0-000063 | 0-000063 | 0-001-A |
| | | Tetrachloro-dibenzo-furans | 0-000063 | 0-000063 | 0-001-A |
| | | Phthalate | 7439-92-1 | 0-037 | NA |
| K045 | Table-A | Benzene | 71-43-2 | 0-14-B | 1-1-A |
| K046 | Table-A | Benzofuran | 50-32-0 | 0-061-B | 1-2-A |
| | | Phthalate | 117-01-7 | 0-20-B | 7-3-A |
| | | Phthalate | 210-01-9 | 0-059-B | 1-1-A |
| | | Phthalate | 01-74-2 | 0-057-B | 0-0-A |
| | | Phthalate | 100-41-4 | 0-057-B | 1-1-B |
| | | Phthalate | 00-73-7 | 0-059-B | NA |
| | | Phthalate | 91-20-3 | 0-059-B | 4-2-A |
| | | Phthalate | 00-01-0 | 0-059-B | 0-4-A |

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| | | | | | |
|------|---------|------------------------------|------------|---------|-------|
| K049 | Table-A | Phenol | 100-95-2 | 0-039-B | 3-6-A |
| | | Pyrene | 1-29-00-0 | 0-067-B | 36-A |
| | | Toluene | 100-00-3 | 0-080-B | 14-A |
| | | Xylenes† | 0-32-B | 0-32-B | 22-A |
| | | Cyanides-(Total) | 57-12-5 | 0-020-B | 1-0-A |
| | | Chromium-(Total) | 7440-47-32 | 0-2 | NA |
| | | Lead | 7439-92-1 | 0-037 | NA |
| | | Anthracene | 120-12-7 | 0-059-B | 20-A |
| | | Benzene | 71-43-2 | 0-014-B | 14-A |
| | | Benzotatpyrene | 117-01-7 | 0-061-B | 12-A |
| K050 | Table-A | Bis(2-ethyl-hexyl)-phthalate | 75-150-0 | 0-20-B | 7-3-A |
| | | Carbon-disulfide | 75-15-0 | 0-014-B | NA |
| | | Chrysene | 210-01-9 | 0-059-B | 15-A |
| | | 2-4-Dimethyl-phenol | 105-67-9 | 0-036-B | NA |
| | | Ethylbenzene | 100-41-4 | 0-057-B | 14-A |
| | | Naphthalene | 91-20-3 | 0-059-B | 42-A |
| | | Phenanthrene | 85-01-0 | 0-059-B | 34-A |
| | | Phenol | 100-95-2 | 0-039-B | 3-6-A |
| | | Pyrene | 129-00-0 | 0-067-B | 36-A |
| | | Toluene | 100-00-3 | 0-08-B | 14-A |
| K051 | Table-A | Xylenes† | 0-32-B | 0-32-B | 22-A |
| | | Cyanides-(Total) | 56-12-5 | 0-020-A | 1-0-A |
| | | Chromium-(Total) | 7440-47-32 | 0-2 | NA |
| | | Lead | 7439-92-1 | 0-037 | NA |
| | | Benzotatpyrene | 50-32-0 | 0-061-B | 12-A |
| | | Phenol | 100-95-2 | 0-039-B | 3-6-A |
| | | Cyanides-(Total) | 57-12-5 | 0-020-A | 1-0-A |
| | | Chromium-(Total) | 7440-47-32 | 0-2 | NA |
| | | Lead | 7439-92-1 | 0-037 | NA |
| | | Acenaphthene | 200-96-0 | 0-059-B | 20-A |
| K052 | Table-A | Anthracene | 120-12-7 | 0-059-B | 20-A |
| | | Benzene | 71-43-2 | 0-014-B | 14-A |
| | | Benzotatpyrene | 117-01-7 | 0-061-B | 12-A |
| | | Bis(2-ethyl-hexyl)-phthalate | 75-15-0 | 0-20-B | 7-3-A |
| | | Phthalate | 117-01-7 | 0-059-B | 20-A |
| | | Chrysene | 210-01-9 | 0-059-B | 15-A |
| | | Di-n-butyl-phthalate | 105-67-9 | 0-057-B | 3-6-A |
| | | Ethylbenzene | 100-41-4 | 0-057-B | 14-A |
| | | Phenanthrene | 85-01-0 | 0-059-B | 34-A |
| | | Naphthalene | 91-20-3 | 0-059-B | 42-A |

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|------|---------|---------------------|------------|---------|-------|
| K052 | Table-A | Phenol | 100-95-2 | 0-039-B | 3-6-A |
| | | Pyrene | 1-29-00-0 | 0-067-B | 36-A |
| | | Toluene | 100-00-3 | 0-080-B | 14-A |
| | | Xylenes† | 0-32-B | 0-32-B | 22-A |
| | | Cyanides-(Total) | 57-12-5 | 0-020-B | 1-0-A |
| | | Chromium-(Total) | 7440-47-32 | 0-2 | NA |
| | | Lead | 7439-92-1 | 0-037 | NA |
| | | Benzene | 71-43-2 | 0-014-B | 14-A |
| | | Benzotatpyrene | 50-32-0 | 0-061-B | 12-A |
| | | o-Cresol | 95-48-7 | 0-11-B | 6-2-A |
| K053 | Table-A | p-Cresol | 106-44-5 | 0-77-B | 6-2-A |
| | | 2-4-Dimethyl-phenol | 105-67-9 | 0-036-B | NA |
| | | Ethylbenzene | 100-41-4 | 0-057-B | 14-A |
| | | Naphthalene | 91-20-3 | 0-059-B | 42-A |
| | | Phenanthrene | 85-01-0 | 0-059-B | 34-A |
| | | Phenol | 100-95-2 | 0-039-B | 3-6-A |
| | | Toluene | 100-00-3 | 0-08-B | 14-A |
| | | Xylenes† | 0-32-B | 0-32-B | 22-A |
| | | Cyanides-(Total) | 56-12-5 | 0-020-A | 1-0-A |
| | | Chromium-(Total) | 7440-47-32 | M0-2 | NA |
| K054 | Table-A | Lead | 7439-92-1 | 0-037 | NA |
| | | Benzene | 71-43-2 | 0-11-B | 6-2-A |
| | | Benzotatpyrene | 50-32-0 | 0-035-B | 3-6-A |
| | | Naphthalene | 91-20-3 | 0-020-B | 3-4-A |
| | | Phenol | 100-95-2 | 0-042-B | 3-4-A |
| | | Cyanides-(Total) | 57-12-5 | 1-9 | 1-2 |
| | | Cadmium | 7440-43-9 | 1-6 | NA |
| | | Chromium-(Total) | 7440-47-32 | 0-32 | NA |
| | | Lead | 7439-92-1 | 0-51 | NA |
| | | Nickel | 7440-02-0 | 0-44 | NA |
| K055 | Table-A | Chromium | NA | 0-04 | NA |
| | | Lead | 7439-92-1 | 0-44 | NA |
| | | Nickel | 7440-02-0 | 1-6 | NA |
| | | Cadmium | 7440-43-9 | 0-51 | NA |
| | | Lead | 7439-92-1 | 0-51 | NA |
| | | Chromium | 7440-47-32 | 0-32 | NA |
| | | Lead | 7439-92-1 | 0-51 | NA |
| | | Nickel | 7440-02-0 | 0-44 | NA |
| | | Cadmium | 7440-43-9 | 1-6 | NA |
| | | Lead | 7439-92-1 | 0-51 | NA |

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| | | | |
|---|----------------------------------|------------------------------|--------------------|
| Aroclor-1254 | 11097-69-1 | 0-014-B | 1-0-4 |
| Aroclor-1260 | 11096-02-5 | 0-014-B | 1-0-4 |
| Acetone | 67-64-1 | 0-28 | 160-4 |
| Acetophenone | 96-86-2 | 0-010 | 9-7-4 |
| Bis(2-ethylhexyl | | | |
| hexyl) | 117-01-7 | 0-20-B | 20-4 |
| Phthalate | | | |
| n-Butylacetate | 74-36-3 | 5-6 | 2-0-4 |
| Butylbenzyl | 05-60-7 | 0-017-B | 7-9-4 |
| Phthalate | | | |
| Cyclohexanone | 100-94-1 | 0-36 | N4 |
| 1,2-Dichloro- benzene | 95-50-1 | 0-000 | 6-0-4 |
| Bleethyl | | | |
| Phthalate | 04-66-2 | 0-20 | 20-7 |
| Dimethyl-terephthalate | 131-11-3 | 0-017-B | 20-4 |
| ate | | | |
| Di-n-butyl | | | |
| Phthal | 04-74-2 | 0-017-B | 20-4 |
| ate | | | |
| Phthal | 117-04-0 | 0-017-B | 20-4 |
| ate | | | |
| Ethylacetate | 141-70-6 | 0-34-B | 33-4 |
| Ethylbenzene | 100-41-4 | 0-017-B | 6-0-4 |
| Methanol | 67-56-1 | 5-6-B | N4 |
| Methyl-isobutyl ketone | 160-10-1 | 0-14 | 33-4 |
| Methyl-ethyl ketone | 70-09-3 | 0-20 | 36-4 |
| Methylenechloride | 75-29-2 | 0-019-B | 33-4 |
| Naphthalene | 91-00-3 | 0-019-B | 3-0-4 |
| Nitrobenzene | 90-05-3 | 0-019-B | 14-4 |
| Toluene | 100-00-3 | 0-000-B | 20-4 |
| Tri-n-butyltetra- ethano | 71-55-6 | 0-014-B | 5-6-4 |
| trichloro ethylene | 79-01-1 | 1-14-B | 5-6-4 |
| Xylenes + ethyl glycolates + glycol ethers + glycol + ethanol + glycol + Bead | 57-12-5 744-44-32 743-72-1 | 1-2-B 1-9 0-32 1-17 | 2-0-4 1-9 N4 |
| Acenaphthalene | 200-356-0 | 1-17-B | 3-4 |
| Benzene | 71-43-2 | 1-04-B | 3-07-4 |
| Ethylene | 240-01-9 | 1-17-B | 3-4 |
| Isotantene | 206-147-0 | 1-160-B | 3-4 |

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| Indeno 123-23-2d) | 123-23-5 | 0-055-B | 3-4-A | | 123-4-Trichloro- benzene | 120-82-1 | 0-055 | 12-4 |
| Pyrene | | | | | | | | |
| Naphthalene | 91-20-3 | 0-059-B | 3-4-A | | Hexachlorocyclo- | 77-47-4 | 0-057-B | 2-4 |
| Phenanthrene | 85-01-0 | 0-059-B | 3-4-A | | Pentadecane | | | |
| Toluene | 100-80-3 | 0-00-B | 0-65-A | | Chlorodane | 57-74-9 | 0-0033-B | 0-26-A |
| Xylenes) | | 0-32-B | 0-07-A | | Heptachlor | 76-44-0 | 0-0012-B | 0-066-A |
| Lead | 7439-92-1 | 0-037 | NA | | epoxide | 1024-57-3 | 0-016-B | 0-066-A |
| | | | | | | | | |
| Phthalic anhydride | 85-44-9 | 0-69 | 20-A | | Toxaphene | 0001-35-1 | 0-0095-B | 2-6-A |
| Imeasured-as Phthalic-acid) | | | | | | | | |
| | | | | | 274-Dichloro- | 94-75-7 | 1-0-A | 1-0-A |
| | | | | | Pheno- | | | |
| Phthalic-anhydride | 95-44-9 | 0-69 | 020-A | | Hexachlorodibenzo- | | 0-001-A | 0-001-A |
| Imeasured-as Phthalic-acid) | | | | | p-dioxins | | 0-001-A | 0-001-A |
| | | | | | Hexachlorodibenzo- | | 0-001-A | 0-001-A |
| | | | | | furan | | | |
| 17172-Tetra- | 630-20-6 | 0-057 | 5-6-A | | Pentachloro- | | 0-001-A | 0-001-A |
| chloroethane | | | | | dibenzo- | | 0-001-A | 0-001-A |
| 17172-Tetra- | 79-34-6 | 0-057 | 5-6-A | | p-dioxins | | 0-001-A | 0-001-A |
| chloroethane | | | | | Pentachlorod- | | 0-001-A | 0-001-A |
| Tetrachloro- | | | | | benzofurans | | 0-001-A | 0-001-A |
| ethylene | 127-10-4 | 0-056 | 6-0-A | | Pentachlorod- | | 0-001-A | 0-001-A |
| 17172-Trichloro- | 79-00-5 | 0-054 | 6-0-A | | tetraethiod- | | 0-001-A | 0-001-A |
| ethane | | | | | benzo-p-dioxins | | 0-001-A | 0-001-A |
| Trichloro | | | | | Pentachlorod- | | 0-001-A | 0-001-A |
| ethylene | 79-01-6 | 0-054 | 5-6-A | | benzofurans | | | |
| Hexachloroethane | 67-72-1 | 0-055 | 20-A | | | | | |
| Pentachloro | | | | | Chromium | 7440-43-9 | 1-6 | NA |
| ethane | 76-01-7 | 0-055 | 5-6-A | | Chromium-Heats | 7440-47-3 | 0-32 | NA |
| | | | | | Lead | 7439-92-1 | 0-51 | NA |
| | | | | | | | | |
| 17172-Tetra- | 630-20-6 | 0-057 | 5-6-A | | 0-Nitroaniline | | 0-27-A | 1-4-A |
| chloroethane | | | | | Arsenite | 7440-30-2 | 0-79 | NA |
| 17172-Tetra- | 79-34-6 | 0-057 | 5-6-A | | Chromium | 7440-43-9 | 0-24 | NA |
| chloroethane | | | | | Lead | 7439-92-1 | 0-17 | NA |
| Tetrachloro | | | | | Mercury | 7439-97-6 | 0-002 | NA |
| ethylene | 127-10-4 | 0-056 | 6-0-A | | | | | |
| 17172-Trichloro- | 79-00-5 | 0-054 | 6-0-A | | 0-Nitrophenol | | 0-020-A | 1-0-A |
| ethane | | | | | Arsenic | 7440-30-2 | 0-79 | NA |
| Trichloroethene | | | | | Chromium | 7440-43-9 | 0-24 | NA |
| 17172-Tetra- | 79-34-6 | 0-057 | 5-6-A | | Lead | 7439-92-1 | 0-17 | NA |
| chloroethane | | | | | Mercury | 7439-97-6 | 0-002 | NA |
| 173-Dichloro- | 544-73-1 | 0-036 | 5-6-A | | | | | |
| benzene | | | | | Aniline | 62-53-3 | 1-5-A | 5-6 |
| Pentachloro- | | | | | Benzene | 71-43-2 | 1-15-A | 6-0-A |
| ethane | 76-01-7 | 0-055 | 5-6-A | | 274-Dichloro- | 51-20-5 | 0-61-A | 5-6-A |

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| K104 | NA | Phenol | 98-95-3 | 0-073-A | 5-6-A |
| | | Nitrobenzene | 108-95-2 | 1-4-A | 5-6-A |
| | | Aniline | 62-53-3 | 4-5-A | 5-6-A |
| | | Benzene | 71-43-2 | 0-15-A | 6-0-A |
| | | 2,4-Dinitro-phenol | 51-28-5 | 0-61-A | 5-6-A |
| K105 | NA | Phenol | 98-95-3 | 0-073-A | 5-6-A |
| | | Nitrobenzene | 108-95-2 | 1-4-A | 5-6-A |
| | | Cyanides (Total) | 57-12-5 | 2-7 | 1-0-A |
| | | Benzene | 71-43-2 | 0-14 | 4-4-A |
| | | Chlorobenzene | 108-90-7 | 0-057 | 4-4-A |
| K106 | A-5-B | o-Dichloro benzene | 95-69-1 | 0-088 | 4-4-A |
| | | p-Dichloro benzene | 106-46-7 | 0-090 | 4-4-A |
| | | 2,4,5-Trichloro-phenol | 95-95-4 | 0-18 | 4-4-A |
| | | 2,4,6-Trichloro-phenol | 88-06-2 | 0-035 | 4-4-A |
| | | 2-Chlorophenol | 95-57-0 | 0-044 | 4-4-A |
| | | Phenol | 108-95-2 | 0-039 | 4-4-A |
| | | Mercury | 7439-97-6 | 0-030 | NA |
| | | Nickel | 7440-02-0 | 0-47 | NA |
| | | 2,4-Dinitro-toluene | 121-14-2 | 0-32 | 1-0-7 |
| | | 2,6-Dinitro-toluene | 606-20-2 | 0-55 | 20-1-A |
| K117 | NA | Ethylene dibromide | 106-93-4 | 0-020 | 15-1-A |
| | | Methyl-bromide | 74-83-9 | 0-11 | 15-1-A |
| | | Chloroform | 67-66-3 | 0-046 | 5-6-A |
| | | Ethylene dibromide | 106-93-4 | 0-020 | 15-1-A |
| | | Methyl-bromide | 74-83-9 | 0-11 | 15-1-A |
| K118 | NA | Chloroform | 67-66-3 | 0-046 | 5-6-A |
| | | Methyl-bromide | 74-83-9 | 0-11 | 15-1-A |

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|--|---------------------|--------------------------|-----------|---------------------------------|--|
| K132 | NA | Methyl-bromide | 74-83-9 | 0-11 | 15-1-A |
| K136 | NA | Ethylene dibromide | 106-93-4 | 0-020 | 15-1-A |
| | | Methyl-bromide | 74-83-9 | 0-11 | 15-1-A |
| | | Chloroform | 67-66-3 | 0-46 | 5-6-A |
| TABLE B-1 (NEW) - P-AND-Y-BISPHENOL-A WASTES | | | | | |
| | | Commercial Chemical Name | See Also | Regulated Hazardous Constituent | Concentration-Total Non-Hazardous Waste Waters |
| P004 | NA | Aldrin | NA | 309-00-2 | 0-21-B 0-066 |
| P010 | Asenic acid | Asenic acid | 7440-38-2 | 0-79 | NA |
| P011 | Asenic pentoxide | Asenic pentoxide | 7440-38-2 | 0-79 | NA |
| P012 | Asenic trioxide | Asenic trioxide | 7440-38-2 | 0-79 | NA |
| P013 | Borax | Borax | 7440-38-2 | 1-9 | 1-0-7 |
| P020 | 2-sec-Butyl-cyanide | 2-sec-Butyl-cyanide | 57-12-5 | 0-7 | 0-7 |
| P021 | 4,6-Dinitro-phenol | 4,6-Dinitro-phenol | 57-12-5 | 0-7 | 0-7 |
| P022 | 2-sec-Butyl-cyanide | 2-sec-Butyl-cyanide | 57-12-5 | 0-7 | 0-7 |
| P023 | Carbon disulfide | Carbon disulfide | 75-15-5 | 0-7 | 0-7 |
| P024 | P-Entoro- | P-Entoro- | 75-15-5 | 0-7 | 0-7 |

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| amline | amline | | | | |
|---|---------|------------|---------|--------|------------|
| P039 Copper cyanide | NA | 57-12-5 | 1-9 | 110- | |
| | | 57-12-5 | 0-1 | 9-1 | |
| | | | | | (Amenable) |
| P039 Cyanides (soluble salts-and complexes) | NA | 57-12-5 | 1-9 | 110- | |
| | | | | | (Total) |
| | | 57-12-5 | 0-1 | 9-1 | |
| | | | | | (Amenable) |
| P036 Dichloro-phenylarsine A | Table | 7440-30-2 | 0-79 | NA | |
| P037 Bieidrin A | NA | 60-57-1 | 0-017-B | 0-13 | |
| P039 Diethyl-arsine | Table A | 7440-30-2 | 0-79 | NA | |
| P039 Bisulfoton NA | NA | 290-04-4 | 0-017 | 1 | |
| P047 476-Dinitro-A | NA | 534-52-4 | 20-B | 10- | |
| P040 o-cresol 274-Dinitro-phenol | NA | 51-20-5 | 012-B | 10-B | |
| P050 Endosulfan NA | NA | 939-90-0 | 0-23-B | 0-66 | |
| | | | | | I |
| P051 Endrin NA | NA | 72-20-0 | 0-20-B | 0-13-A | |
| | | 7421-93-4 | 0-25-B | 0-13-A | |
| P056 Fluoride | Table B | 10604-40-0 | 35- | NA | |
| P059 Heptachlor A | NA | 76-44-0 | 0-012-B | 0-66 | |
| | | 1024-57-3 | 0-16-B | 0-66-A | |
| | | | | | epoxide |

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|-----------------------------------|------------|-----------|--------|--------|------------|
| P060 isodrin | NA | 465-73-6 | 0-21-B | 0-66-A | |
| P063 Hydrogen cyanide | NA | 57-12-5 | 1-9 | 110- | |
| | | 57-12-5 | 0-10 | 9-1 | |
| | | | | | (Amenable) |
| P065 Mercury fulminate | Tables A-B | 7439-97-6 | 0-030 | NA | |
| P071 Methyl parathion | NA | 290-00-0 | 0-025 | 1-1-A | |
| P073 Nickel carbonyl | Table A | 7440-02-0 | 0-32 | NA | |
| P074 Nickel cyanides | Table A | 57-12-5 | 1-9 | 110- | |
| | | | | | (Total) |
| | | 57-12-5 | 0-10 | 9-1 | |
| | | | | | (Amenable) |
| | | 7440-02-0 | 0-44 | NA | |
| P077 p-Nitro-aniline | NA | 100-01-6 | 0-30-B | 0-1-A | |
| P082 N-Nitroso-N,N-dimethyl-amine | Table B | 62-75-9 | 0-40 | | |
| P089 Parathion | NA | 56-30-2 | 0-025 | 1-1-A | |
| P092 Phenyl-mercury acetate | Tables A-B | 7439-97-6 | 0-030 | NA | |
| P094 Phorate | NA | 290-02-2 | 0-025 | 1-1-A | |
| P097 Pamphur | NA | 52-05-7 | 0-025 | 1-1-A | |
| P098 Potassium cyanide | NA | 57-12-5 | 1-9 | 110- | |
| | | | | | (Total) |
| | | 57-12-5 | 0-10 | 9-1 | |
| | | | | | (Amenable) |
| P099 Potassium stiver | Table A | 57-12-5 | 1-9 | 110- | |

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| pyl-nitrosamine | pyl-nitrosamine | | | |
|------------------------------------|-----------------|--------------------------------|------------|-----------|
| U112 Ethyl acetate | NA | Ethyl acetate | 141-70-6 | 0-34-B |
| U117 Ethyl-ether | NA | Ethyl ether | 60-29-7 | 0-12-B |
| U118 Ethyl-meth-acrylate | NA | Ethyl acrylate | 97-63-2 | 0-14-B |
| U120 Fluor-ethane | NA | Fluor-ethane | 206-44-0 | 0-60-B |
| U121 Trichloro-mono-fluoro-methane | NA | Tri-chloro-mono-fluoro-methane | 75-69-4 | 0-020-B |
| U127 Hexachloro-benzene | NA | Hexa-chloro-benzene | 110-34-1 | 0-055-B |
| U128 Hexachloro-butadiene | NA | Hexa-chloro-butadiene | 07-60-3 | 0-055-B |
| U129 Bisdene | NA | alpha-BHC | 319-04-6 | 0-00014-B |
| | | beta-BHC | 319-05-7 | 0-00014-B |
| | | Delta-BHC | 319-06-0 | 0-023-B |
| | | gamma-BHC | 50-09-9 | 0-0017-B |
| | | (bisdane) | | |
| U130 Hexachloro-cyclopentadiene | NA | Hexa-chloro-cyclopentadiene | 77-47-7 | 0-057-B |
| U131 Hexachloro-ethane | NA | Hexa-chloro-ethane | 67-72-1 | 0-055-B |
| U134 Hydrogen fluoride | Table B | Fluoride | 16964-40-0 | 35- |

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| U136 Cacodylic acid | Table A | Arsenic | 7440-38-2 | 0-79 | NA |
| U137 Indeno-pyrene | NA | Indeno-pyrene | 193-39-5 | 0-0055-B | 0-2 |
| | | (17273-eryd) | | | |
| U138 Iodomethane | NA | Iodo-methane | 74-00-4 | 0-19-B | 65- |
| U140 Isobutyl alcohol | NA | Isobutyl alcohol | 70-09-1 | 5-6 | 130-4 |
| U141 Isosafrole | NA | Isosafrole | 120-50-1 | 0-001 | 2-6 |
| U142 Kepone | NA | Kepone | 143-50-0 | 0-0011 | 0-13-4 |
| U144 Bead acetate | Table A | Bead | 7439-92-1 | 0-040 | NA |
| U145 Bead phosphate | Table A | Bead | 7439-92-1 | 0-040 | NA |
| U146 Bead subacetate | Table A | Bead | 7439-92-1 | 0-040 | NA |
| U151 Mercury | Table A-6-B | Mercury | 7439-97-6 | 0-030 | NA |
| U152 Methacrylo-nitrile | NA | Metha-crylo-nitrile | 126-90-7 | 0-24-B | 04- |
| U154 Methanol | NA | Methanol | 67-56-1 | 5-6 | NA |
| U155 Methoxy-pyrene | NA | Methoxy-pyrene | 91-00-5 | 0-001 | 1-5 |
| U157 3-Methyl-chotanthrene | NA | 3-Methyl-chotanthrene | 56-49-5 | 0-0055-B | 15- |
| U158 474-1 | NA | Methylene-101-14-4 | 0-50-B | | 35- |

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 728. TABLE C Technology Codes and Description of Technology-Based Standards

Technology

code Description of technology-based standard

ADGAS Venting of compressed gases into an absorbing or reacting media (i.e., solid or liquid)--venting can be accomplished through physical release utilizing ~~valves~~ valves or piping; physical penetration of the container; ~~and~~ or penetration through detonation.

AMLGM Amalgamation of liquid, elemental mercury contaminated with radioactive materials utilizing inorganic reagents such as copper, zinc, nickel, gold, and sulfur that result in a nonliquid, semi-solid amalgam and thereby reducing potential emissions of elemental mercury vapors to the air.

BIODG Biodegradation of organics or non-metallic inorganics (i.e., degradable inorganics that contain the elements of phosphorus, nitrogen, and sulfur) in units operated under either aerobic or anaerobic conditions such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., ~~total organic-carbon~~ total organic carbon (TOC) can often be used as an indicator parameter for the biodegradation of many organic constituents that cannot be directly analyzed in wastewater residues).

CARBN Carbon adsorption (granulated or powdered) or non-metallic inorganics, organo-metallics, ~~and/or~~ organic constituents, operated ~~such~~ so that a surrogate compound or indicator parameter has not undergone breakthrough (e.g., ~~total-organic-carbon~~ total organic carbon (TOC) can often be used as an indicator parameter for the adsorption of many organic constituents that cannot be directly analyzed in wastewater residues). Breakthrough occurs when the carbon has become saturated with the constituent (or indicator parameter) and substantial change in adsorption rate associated with that constituent occurs.

CHOXD Chemical or electrolytic oxidation utilizing the following oxidation reagents (or waste reagents) or combinations or reagents:

- 1) ~~Hypochlorite~~ hypochlorite (e.g. bleach);
- 2) chlorine;
- 3) chlorine dioxide;
- 4) ozone or UV (ultraviolet light) assisted ozone;
- 5) peroxides;
- 6) persulfates;
- 7) perchlorates;
- 8) permanganates; ~~and/or~~

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RCGS Recovery of or reuse of compressed gases including techniques such as reprocessing of the gases for reuse or resale; filtering or adsorption of impurities; remixing for direct reuse or resale; and use of the gas as a fuel source.

RCORR Recovery of acids or bases utilizing one or more of the following recover techniques:

- 1) Distillation

- 2) ion exchange;

- 3) resin or solid adsorption;

- 4) reverse osmosis; and/or

- 5) incineration for the recover of acid--Note: this does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RLEAD Thermal recovery of lead in secondary lead smelters.

RMERC Retorting or roasting in a thermal processing unit capable of volatilizing mercury and subsequently condensing the volatilized mercury for recovery. The retorting or roasting unit (or facility) must be subject to one or more of the following:

- a) A National Emissions Standard national emissions standard for hazardous air pollutants hazardous air pollutants (NESHAP) for mercury (40 CFR 61, Subpart E);

- b) A Best Available Control Technology best available control technology (BACT) or a Lowest Achievable Emission Rate emission rate (LAER) standard for mercury imposed pursuant to a Prevention of Significant Deterioration significant deterioration (PSD) permit (including 35 Ill. Adm. Code 201 through 203); or

- c) A state permit that establishes emission limitations (within meaning of Section 302 of the Clean Air Act) for mercury, including a permit issued pursuant to 35 Ill. Adm. Code 201. All wastewater and nonwastewater residues derived from this process must then comply with consideration of any applicable subcategories (e.g., High or Low Mercury Subcategories low mercury subcategories).

RMETL Recovery of metals or inorganics utilizing one or more of the following direct physical or removal technologies:

- 1) ion exchange;
- 2) resin or solid (i.e., zeolites) adsorption;
- 3) reverse osmosis;
- 4) chelation or solvent extraction;

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- 5) freeze crystallization;
- 6) ultrafiltration; and/or
- 7) simple precipitation (i.e., crystallization)

Note: This does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RORGS Recovery of organics utilizing one or more of the following technologies:

- 1) Distillation;
- 2) thin film evaporation;
- 3) steam stripping;
- 4) carbon adsorption;
- 5) critical fluid extraction;
- 6) liquid-liquid extraction;
- 7) precipitation or crystallization (including freeze crystallization); or
- 8) chemical phase separation techniques (i.e., addition of acids, bases, demulsifiers, or similar chemicals).

Note: This does not preclude the use of other physical phase separation techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RTHRM Thermal recover of metals or inorganics from nonwastewaters in units defined as cement kilns, blast furnaces, smelting, melting and refining furnaces, combustion devices used to recover sulfur values from spent sulfuric acid and "other devices" determined by the Agency pursuant to 35 Ill. Adm. Code 720.110, the definition of "industrial furnace".

RZINC Resmelting in high temperature metal recovery units for the purpose of recovery of zinc.

STABL Stabilization with the following reagents (or waste reagents) or combinations of reagents:

- 1) Portland cement; or
- 2) lime or pozzolans (e.g., fly ash and cement kiln dust)--this does not preclude the addition of reagents (e.g., iron salts, silicates, and clays) designed to enhance the set or cure time and/or compressive strength, or to overall reduce the leachability of the metal or inorganic.

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SSTRP Stream stripping of organics from liquid wastes utilizing direct application of steam to the wastes operated such that liquid and vapor flow rates, as well as, temperature and pressure ranges have been optimized, monitored, and maintained. These operating parameters are dependent upon the design parameters of the unit such as, the number of separation stages and the internal column design. Thus, resulting in a condensed extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery or reuse and an extracted wastewater that must undergo further treatment as specified in the standard.

WETOX Wet air oxidation performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., Potential-Organic-Carbon total organic carbon (TOC) can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues).

WTRRX Controlled reaction with water for highly reactive inorganic or organic chemicals with precautionary controls for protection of workers from potential violent reactions as well as precautionary controls for potential emissions of toxic or ignitable levels of gases released during the reaction.

Note 1: When a combination of these technologies (i.e., a treatment train) is specified as a single treatment standard, the order of application is specified in Section 728.140, Table B by indicating the five letter technology code that must be applied first, then the designation "fb." (an abbreviation for "followed by"), then the five letter technology code for the technology that must be applied next, and so on.

Note 2: When more than one technology (or treatment train) are specified as alternative treatment standards, the five letter technology codes (or the treatment trains) are separated by a semicolon (;) with the last technology preceded by the word "OR". This indicates that any one of these BDAT technologies or treatment trains can be used for compliance with the standard.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 728.140, Table D Technology-Based Standards by RCRA Waste Code

BOARD NOTE: For the requirements previously found in this Section, refer to Sections 728.140 and 728.141.

| WASTE CODES | SEE ALSO | EAS-NO- | TECHNOLOGY CODES-WASTE-WATERS | TECHNOLOGY CODES-WASTE-WATERS | WASTE-BESCRIP-TIONS-OR TREATMENT SUBSEQUENT |
|-------------|--------------|---------|--------------------------------|-------------------------------|--|
| B001 | Tables A & B | NA | BEACT-and-meet-F0337-or-FS0337 | BEACT7 | All descriptions based-on---35 ill: Adm---Code 721-121 except-for-the Section-721-121 (a) ill-High-P0E subcategory7 managed-in-non-GWA/non-GWA-equivalent/non-Class-I-SBWA systems |
| B001 | NA | NA | BEACT | BEACT | All descriptions based-on---35 ill: Adm---Code 721-121-except for-the-Section 261-121(a) ill-High-P0E-sub-category7 managed-in-GWA-GWA-equivalent-or Class-I-SBWA system |
| B001 | NA | NA | NA | PS0337-R0337-or-ENGIN | All descriptions based-on---35 ill: Adm---Code 721-121(a) ill- |

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| | | | | | Processing of-explosives |
|------|-----------------|----|--------|--------|--|
| R045 | NA | NA | BEAE | BEAE | Spent-carbon from-the treatment-of wastewater containing explosives |
| R047 | NA | NA | BEAE | BEAE | Pink/yed water-from WNT-operations |
| R069 | Tables A 6-B | NA | REBA | REBA | Emission control dust/sludge from-secondary lead-smelting; Non-Sodium Sulfate Subcategory |
| R106 | Tables A 6-B | NA | NA | RMER | Wastewater treatment sludge-from the-mercury cell-process in-chlorine production; High-Mercury Subcategory- greater-than or-equal-to 200-mg/kg total-mercury |
| R107 | NA | NA | INEIN- | INEIN- | Column-bottoms from-product separation-from the-production of tri-dimethyl- hydrate tBMHt from-carboxylic acid-hydrates |

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| | | | | | Condensed column overheads-from product-sep- paration-and condensed rector vent-gases-from the-production of tri-dimethyl- hydrate tBMHt from-carboxylic acid-hydrates |
|--|----|----|----------|--------|--|
| | NA | NA | INEIN-or | INEIN- | Spent---filter cat rddes-from product-Btft- cation-from-the production-of tri- dimethylhydrate tBMHt-from carboxylic-acid hydrates |
| | NA | NA | INEIN-or | INEIN- | Condensed column overheads-from intermediate stage- ation-from-the production-of tri- dimethylhydrate tBMHt---from cat- hydrate hydrates |
| | NA | NA | INEIN-or | INEIN- | Reaction-by- product-waste from-the-drying column-in-the production-of tolueneamine |

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| | | | | | |
|------|----|----|--------------------|--------------------|--|
| K113 | NA | NA | CARBN7-OR INEIN | PSUBS7-OR INEIN | via hydrogenation of dinitrotoluene Condensed liquid-light ends-from-the purification-of toluenediamine in-----the production of toluenediamine via hydrogenation of dinitrotoluene Vicinals-from the purification of toluenediamine in-----the production of toluenediamine via hydrogenation of dinitrotoluene Heavy-ends from-the purification-of toluenediamine in-----the production of toluenediamine via-hydro- genation of-dinitro- toluene Organic condensate-from |
| K114 | NA | NA | CARBN7-OR INEIN | PSUBS7-OR INEIN | |
| K115 | NA | NA | CARBN7-OR INEIN | PSUBS7-OR INEIN | |
| K116 | NA | NA | CARBN7-OR INEIN | PSUBS7-OR INEIN | |

| | | | | | |
|------|----|----|---|---|---|
| K123 | NA | NA | INEIN7-OR EHOXB-EB FBOBS-OR CARBN7 | INEIN7-OR EHOXB-EB FBOBS-OR CARBN7 | the-solvent recovery-column in-----the production of-----toluene diso- cyanate-via phenogenesis of-toluene- diamine Process-waste- water including superates7 fit- rates7-----and wash- waters7-----from the production-of ethylenedi- thiocarbamic acid-and res-salts Reactor-vent scrubber-water from-the-pro- duction-of ethylenedi- thiocarbamic acid and-res-salts Pittation7 evapo- ration7-----and centri- fugation-solids from-the-pro- duction-of ethylenedi- thiocarbamic acid-and-res salts Baghouse-dust |
| K124 | NA | NA | INEIN7-OR EHOXB-EB FBOBS-OR CARBN7 | INEIN7-OR EHOXB-EB FBOBS-OR CARBN7 | |
| K125 | NA | NA | INEIN7-OR EHOXB-EB FBOBS-OR CARBN7 | INEIN7-OR EHOXB-EB FBOBS-OR CARBN7 | |
| K126 | NA | NA | INEIN7-OR EHOXB-EB FBOBS-OR CARBN7 | INEIN7-OR EHOXB-EB FBOBS-OR CARBN7 | |

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| | | | | | | | | | | | |
|------|----|------------|---|-------------------------------|---|------|---------|-----------|---|--|--------------------------------------|
| P001 | NA | 01-01-2 | (WETOX-01 EH0XB)-fb EH0XB)-fb CARBN)-01 INGIN | PSUBS)-01 INGIN | and-----floor sweepings in-milling and packaging opera- tions--from-the prode- tion-----or formulation of-----ethylene bis(dithio- carbamate--acid and its-salts | P009 | NA | 131-74-0 | EH0XB)- EH0XB)- CARBN)-01 BI0BS)-01 INGIN | PSUBS)- EH0XB)- EH0XB)-01 INGIN | Ammonium picrate |
| P002 | NA | 591-00-2 | (WETOX-01 EH0XB)-fb EH0XB)-fb CARBN)-01 INGIN | INGIN | 1-Acetyl-2- thiourea | P014 | NA | 100-95-5 | (WETOX-01 EH0XB)-fb CARBN)-01 INGIN | INGIN | Thiophenol (benzene thiol) |
| P003 | NA | 107-02-0 | (WETOX-01 EH0XB)-fb EH0XB)-fb CARBN)-01 INGIN | PSUBS)-01 INGIN | Acetolene | P015 | NA | 7440-41-7 | (WETOX-01 EH0XB)-fb CARBN)-01 INGIN | RHETS)-01 RTHRM | Beryllium powder |
| P005 | NA | 107-10-6 | (WETOX-01 EH0XB)-fb CARBN)-01 INGIN | PSUBS)-01 INGIN | Allyl-alcohol | P016 | NA | 542-00-1 | (WETOX-01 EH0XB)-fb CARBN)-01 INGIN | INGIN | Bis(chloro- methyl)-ether |
| P006 | NA | 20059-73-0 | EH0XB)- EH0XB)-01 INGIN | EH0XB)- EH0XB)-01 INGIN | Aluminum phosphide | P017 | NA | 590-31-2 | (WETOX-01 EH0XB)-fb CARBN)-01 INGIN | INGIN | Bromodecane |
| P007 | NA | 2703-96-4 | (WETOX-01 EH0XB)-fb CARBN)-01 INGIN | INGIN | 5-Aminocetyl 3-isoxanzotol | P018 | NA | 357-57-3 | (WETOX-01 EH0XB)-fb CARBN)-01 INGIN | INGIN | Brucine |
| P008 | NA | 504-24-5 | (WETOX-01 EH0XB)-fb CARBN)-01 INGIN | INGIN | 4-Amino- amtopyrrolidine | P022 | Table-B | 75-15-0 | NA | INGIN | Carbon disulfide |
| | | | | | | P023 | NA | 107-20-0 | (WETOX-01 EH0XB)-fb CARBN)-01 INGIN | INGIN | Chloro- acetolene |
| | | | | | | P026 | NA | 5344-02-1 | (WETOX-01 EH0XB)-fb CARBN)-01 INGIN | INGIN | 1-to-chloro- phenyl-thio- urea |
| | | | | | | P027 | NA | 542-76-7 | (WETOX-01 EH0XB)-fb CARBN)-01 INGIN | INGIN | 3-chloro- propionitrile |
| | | | | | | P028 | NA | 100-44-1 | (WETOX-01 | INGIN | Beryll |

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|------|---------|-----------|---|--|--------------------------------------|
| P009 | NA | 131-74-0 | EH0XB)- EH0XB)- CARBN)-01 BI0BS)-01 INGIN | PSUBS)- EH0XB)- EH0XB)-01 INGIN | Ammonium picrate |
| P014 | NA | 100-95-5 | (WETOX-01 EH0XB)-fb CARBN)-01 INGIN | INGIN | Thiophenol (benzene thiol) |
| P015 | NA | 7440-41-7 | (WETOX-01 EH0XB)-fb CARBN)-01 INGIN | RHETS)-01 RTHRM | Beryllium powder |
| P016 | NA | 542-00-1 | (WETOX-01 EH0XB)-fb CARBN)-01 INGIN | INGIN | Bis(chloro- methyl)-ether |
| P017 | NA | 590-31-2 | (WETOX-01 EH0XB)-fb CARBN)-01 INGIN | INGIN | Bromodecane |
| P018 | NA | 357-57-3 | (WETOX-01 EH0XB)-fb CARBN)-01 INGIN | INGIN | Brucine |
| P022 | Table-B | 75-15-0 | NA | INGIN | Carbon disulfide |
| P023 | NA | 107-20-0 | (WETOX-01 EH0XB)-fb CARBN)-01 INGIN | INGIN | Chloro- acetolene |
| P026 | NA | 5344-02-1 | (WETOX-01 EH0XB)-fb CARBN)-01 INGIN | INGIN | 1-to-chloro- phenyl-thio- urea |
| P027 | NA | 542-76-7 | (WETOX-01 EH0XB)-fb CARBN)-01 INGIN | INGIN | 3-chloro- propionitrile |
| P028 | NA | 100-44-1 | (WETOX-01 | INGIN | Beryll |

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| | | | | | | | | | | | |
|------|----|----------|---|-----------------------------------|--|------|----|---------------|---|-----------------------|--|
| P031 | NA | 460-19 | EH0X07- EH0X07- CARBN7- or INEIN | EH0X07- WE0X07- or INEIN | chloride | P047 | NA | 534-52 -1 | (WE0X07- EH0X07- or CARBN7- or INEIN | INEIN | 476-Dinitro- 9-cresol-salts |
| P033 | NA | 506-77 | EH0X07- WE0X07- or INEIN | EH0X07- WE0X07- or INEIN | Cyanogen chloride | P049 | NA | 541-53 -7 | (WE0X07- EH0X07- or CARBN7- or INEIN | INEIN | 274-Dithio- biuret |
| P034 | NA | 131-09 | (WE0X07- EH0X07- or CARBN7- or INEIN | INEIN | 2-cyclohexyl- 4,6-dinitro- phenol | P054 | NA | 151-56 -4 | (WE0X07- EH0X07- or CARBN7- or INEIN | INEIN | Aziridine |
| P040 | NA | 297-97 | CARBNT- or INEIN | PSBBS7- or INEIN | 0,0-Diethyl-0- pyrazinyl phosphoro- thioate | P056 | NA | 7702-41 -4 | NA | ABSAS-10 NE00R | Fluorine |
| P041 | NA | 311-45 | CARBNT- or INEIN | PSBBS7- or INEIN | Diethyl-p- nitrophenyl phosphate | P057 | NA | 640-19 -7> | (WE0X07- EH0X07- or CARBN7- or INEIN | INEIN | Phoro- acetamide |
| P042 | NA | 51-43 | (WE0X07- EH0X07- or CARBN7- or INEIN | INEIN | Epinephrine | P058 | NA | 62-74 -0 | (WE0X07- EH0X07- or CARBN7- or INEIN | INEIN | Phoroacetic acid-sodium salt |
| P043 | AN | 55-01 | CARBNT- or INEIN | PSBBS7- or INEIN | Diisopropyl- fluoro- phosphate-(BPP) | P062 | NA | 757-50 -4 | CARBNT- or INEIN | PSBBS- or INEIN | Hexaethyl- tetraphosphate |
| P044 | NA | 60-51 | CARBNT- or INEIN | PSBBS7- or INEIN | Dimethoate | P064 | NA | 624-03 -9 | (WE0X07- EH0X07- or CARBN7- or INEIN | INEIN | Isopyrantic acid-ethyl ester |
| P045 | NA | 39196-10 | (WE0X07- EH0X07- or CARBN7- or INEIN | INEIN | Phiofenox | P065 | NA | 620-06 4 | NA | RMBRE | Mercury salminates High-Mercury Subcategory-- greater-than or-equal-to 360-mg/kg total-Mercury-- either incinerator residues-or residues-from |
| P046 | NA | 122-09 | (WE0X07- EH0X07- or CARBN7- or INEIN | INEIN | alpha,alpha- Bimethylphen- ethylamine | | | | | | |

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|------|----|---------------|---|-----------------------|--|
| P047 | NA | 534-52 -1 | (WE0X07- EH0X07- or CARBN7- or INEIN | INEIN | 476-Dinitro- 9-cresol-salts |
| P049 | NA | 541-53 -7 | (WE0X07- EH0X07- or CARBN7- or INEIN | INEIN | 274-Dithio- biuret |
| P054 | NA | 151-56 -4 | (WE0X07- EH0X07- or CARBN7- or INEIN | INEIN | Aziridine |
| P056 | NA | 7702-41 -4 | NA | ABSAS-10 NE00R | Fluorine |
| P057 | NA | 640-19 -7> | (WE0X07- EH0X07- or CARBN7- or INEIN | INEIN | Phoro- acetamide |
| P058 | NA | 62-74 -0 | (WE0X07- EH0X07- or CARBN7- or INEIN | INEIN | Phoroacetic acid-sodium salt |
| P062 | NA | 757-50 -4 | CARBNT- or INEIN | PSBBS- or INEIN | Hexaethyl- tetraphosphate |
| P064 | NA | 624-03 -9 | (WE0X07- EH0X07- or CARBN7- or INEIN | INEIN | Isopyrantic acid-ethyl ester |
| P065 | NA | 620-06 4 | NA | RMBRE | Mercury salminates High-Mercury Subcategory-- greater-than or-equal-to 360-mg/kg total-Mercury-- either incinerator residues-or residues-from |

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| | | | | | |
|------|----------------|----------------|--|-------------------------------------|---|
| P065 | Table A 6-B | 628-86 -4 | NA | IMRG | RMERG Mercury eliminate: fall-non- wastewaters-- that-are-not incinerator residues or-are-not residues-from RMERG regardles-of Mercury Content |
| P066 | NA | 16752-77 -5 | (WETOK-OR CHOKD)-FB GARNT-OR INGIN | INGIN | Methanol |
| P067 | NA | 75-55 -8 | (WETOK-OR CHOKD)-FB GARNT-OR INGIN | INGIN | 2-Methyl- acritidine |
| P068 | NA | 60-34 -4 | CHOKD CHREB GARNT BIOGK-OR INGIN | PSUBS CHOKD CHREB-OR INGIN | Methyl hydrazine |
| P069 | NA | 75-86 -5 | (WETOK-OR CHOKD)-FB GARNT-OR INGIN | INGIN | Methyl, keto- nitrite |
| P070 | NA | 116-86 -3 | (WETOK-OR CHOKD)-FB GARNT-OR INGIN | INGIN | Adipic acid |
| P072 | NA | 86-88 -4 | (WETOK-OR CHOKD)-FB GARNT-OR INGIN | INGIN | 1-Naphthyl-2- nitrobenzene |
| P075 | NA | 54-11 | (WETOK-OR | INGIN | Nicotinic acid |

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| | | | |
|----------------|--|---------------------|---|
| -5 | CHOKD)-FB GARNT-OR INGIN | RMERG | saits |
| 10102-43 -9 | ABGAS | P076 NA | Nitrite-oxide |
| 10102-44 -8 | ABGAS | P078 NA | Nitrogen dioxide |
| 55-63 -8 | CHOKD CHREB GARNT BIOGK-OR INGIN | P081 NA | Nitroglycerin |
| 62-75 -9 | NA | P082 Table B | N-Nitrosodimethylamine |
| 4549-48 -8 | (WETOK-OR CHOKD)-FB GARNT-OR INGIN | P084 NA | N-Nitrosodimethylamine |
| 152-16 -9 | GARNT-OR INGIN | P085 NA | Octamethyl- pyrophosphor- amide |
| 20016-12 -8 | RMERG or-RHRM | P087 NA | Octamethyl- pyrophosphor- amide |
| 145-73 -3 | (WETOK-OR CHOKD)-FB GARNT-OR INGIN | P088 NA | Endothelial |
| 62-38 -4 | NA | P092 Table A 6-B | Phenyl-methylene acetate High-Methylene Subacetylene Glycerol- or-glycol- 200mg/kg total Mercury- ether methanol resubstrate |

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| P092 | Tables-A 6-B | 62-38 -4 | NA | INERGT-or RMERGT | residues-from RMERGT |
|------|-----------------|----------------|---|--|-------------------------|
| P093 | NA | 103-05 -5 | {WE90X-or CH0XB}-fb EARN7-or INEIN | INGIN | N-Phenylthio- urea |
| P095 | NA | 75-44 -5 | {WE90X-or CH0XB}-fb EARN7-or INEIN | INGIN | Phosgene |
| P096 | NA | 7003-51 -2 | CH0XB7 CHREB7-or INGIN | CH0XB7 CHREB7-or INGIN | Phosphine |
| P102 | NA | 107-19 -7 | {WE90X-or CH0XB}-fb EARN7-or INEIN | PSBBS7-or INGIN | Propargyl alcohol |
| P105 | NA | 26620-22 -0 | CH0XB7 CHREB7-CARN BI00G7-or INEIN | PSBBS7 CH0XB7 CHREB7-or INGIN | Sodium-azide |
| P108 | NA | 57-24 -9-A | {WE90X-or CH0XB}-fb EARN7-or INEIN | INGIN | Styphnine-and sales |

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| P109 | NA | 3609-24 -5 | EARN7-or INEIN | PSBBS7-or INGIN | tetraethyl-di- thiopyro- phosphate |
|-------|---------|---------------|---|--|--|
| P112 | NA | 509-14 0 | CH0XB7 CHREB7 EARN7 BI00G7-or INEIN | PSBBS7 CH0XB7 CHREB7-or INGIN | tetraethio- methane |
| P113 | Table-B | 1314-32 -5 | NA | RTHRM7-or SPAB5 | thallio-oxide |
| P115 | Table-B | 7446-10 -6 | NA | RTHRM7-or SPAB5 | thallium-(ii) sulfate |
| -P116 | NA | 79-19 -6 | {WE90X-or CH0XB}-fb EARN7-or INGIN | INGIN | thiosem- carbazide |
| P118 | NA | 75-74 -7 | {WE90X-or CH0XB}-fb EARN7-or INGIN | INGIN | trichloro- methanethiol |
| P119 | Table-B | 7003-55 -6 | NA | STAB5 | Ammonium vanadate |
| P120 | Table-B | 1314-62 -1 | NA | STAB5 | Vanadium pentoxide |
| P122 | NA | 1314-04 -7 | CH0XB7 CHREB7-or INGIN | CH0XB7 CHREB7-or INGIN | zinc-phosphide +---1007 |
| U001 | NA | 75-07 -0 | {WE90X-or CH0XB}-fb EARN7-or INGIN | INGIN | Acetaldehyde |
| U003 | Table-B | 75-05 -0 | NA | INGIN | Acetonitrile |
| U006 | NA | 75-36 -5 | {WE90X-or CH0XB}-fb EARN7-or INGIN | INGIN | Acetyl chloride |

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| | | | | | |
|------|----|--------------|--|--------------------|----------------------------------|
| B007 | NA | 79-06 -1 | (WETOX-OF EHOXB)-fb CARBN?-OF INGIN | INGIN | Acrylamide |
| B008 | NA | 79-10 -7 | (WETOX-OF EHOXB)-fb CARBN?-OF INGIN | PSUBS?-OF INGIN | Acrylic-acid |
| B010 | NA | 50-07 -7 | (WETOX-OF EHOXB)-fb CARBN?-OF INGIN | INGIN | Mitomycin-B |
| B011 | NA | 61-02 -5 | (WETOX-OF EHOXB)-fb CARBN?-OF INGIN | INGIN | Amirole |
| B014 | NA | 492-00 -0 | (WETOX-OF EHOXB)-fb CARBN?-OF INGIN | INGIN | Asutrine |
| B015 | NA | 115-02 -6 | (WETOX-OF EHOXB)-fb CARBN?-OF INGIN | INGIN | Azaserine |
| B016 | NA | 225-51 -4 | (WETOX-OF EHOXB)-fb CARBN?-OF INGIN | PSUBS?-OF INGIN | Benzet- acridine |
| B017 | NA | 90-07 -3 | (WETOX-OF EHOXB)-fb CARBN?-OF INGIN | INGIN | Benzet chloride |
| B020 | NA | 90-09 -9 | (WETOX-OF EHOXB)-fb CARBN?-OF INGIN | INGIN | Benzene- sulfonyl chloride |
| B021 | NA | 92-07 -5 | (WETOX-OF EHOXB)-fb CARBN?-OF | INGIN | Benzidine |

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|------|---------|---------------|--|-------|------------------------------|---|
| B023 | NA | 90-07 -7 | EHOXB? CHREB? CARBN? BIOBG?-OF INGIN | INGIN | PSUBS? CHREB?-OF INGIN | Benzet- chloride |
| B026 | NA | 494-03 -1 | (WETOX-OF EHOXB)-fb CARBN?-OF INGIN | INGIN | INGIN | Chlorophazine |
| B033 | NA | 353-50 -4 | (WETOX-OF EHOXB)-fb CARBN?-OF INGIN | INGIN | INGIN | Carbonyl chloride |
| B034 | NA | 75-07 -6 | (WETOX-OF EHOXB)-fb CARBN?-OF INGIN | INGIN | INGIN | Chloroform- aldehyde chloride |
| B035 | NA | 305-03 -3 | (WETOX-OF EHOXB)-fb CARBN?-OF INGIN | INGIN | INGIN | Chloromethyl chloride |
| B038 | Table-B | 510-15 -6 | NA | INGIN | INGIN | Chloro- benzene |
| B041 | NA | 106-09 -0 | (WETOX-OF EHOXB)-fb CARBN?-OF INGIN | INGIN | INGIN | 1-Chloro-2,3- epoxybutane trichloro- hydrate |
| B042 | Table-B | 110-75 -0 | NA | INGIN | INGIN | 2-Chloroethyl vinyl ether |
| B046 | NA | 107-30 -2 | (WETOX-OF EHOXB)-fb CARBN?-OF INGIN | INGIN | INGIN | Chloromethyl methyl ether |
| B049 | NA | 3165-03 -3 | (WETOX-OF EHOXB)-fb CARBN?-OF INGIN | INGIN | INGIN | 4-Chloro- toluene hydrochloride |

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| | | | | | | | | | | | | | |
|------|---------|----------------|---|--------------------|--|------|---------|---------------|---|---|---------------------------------|-------|--|
| 0053 | NA | 4170-30 -3 | (WETOX)-or CHORD)-fb CARBN)-or INGIN | PSUBS)-or INGIN | crotonaldehyde | | | | | -5 | CHORD)-fb CARBN)-or INGIN | INGIN | epoxybutane |
| 0055 | NA | 90-02 -0 | (WETOX)-or CHORD)-fb CARBN)-or INGIN | PSUBS)-or INGIN | emene | 0006 | NA | 1615-00 -1 | CHORD) CHORD)-CARBN)- BIOB)-or INGIN | PSUBS)- CHORD) CHORD)-or INGIN | | | N,N-Diethyl- hydrazine |
| 0056 | NA | 110-02 -7 | (WETOX)-or CHORD)-fb CARBN)-or INGIN | PSUBS)-or INGIN | cyclohexane | 0007 | NA | 3200-50 -2 | CARBN)-or INGIN | PSUBS)-or INGIN | | | 070-Diethyl-s- methylthio- phosphate |
| 0057 | Table-B | 100-94 -1 | NA | PSUBS)-or INGIN | cyclohexanone | 0009 | NA | 56-53 -1 | (WETOX)-or CHORD)-fb CARBN)-or INGIN | PSUBS)-or INGIN | | | Diethyl stilbestrol |
| 0058 | NA | 50-10 -0 | CARBN)-or INGIN | PSUBS)-or INGIN | cyclophosph- amide | 0090 | NA | 94-50 -6 | (WETOX)-or CHORD)-fb CARBN)-or INGIN | PSUBS)-or INGIN | | | Dihydroafratole |
| 0059 | NA | 20030-01 -3 | (WETOX)-or CHORD)-fb CARBN)-or INGIN | INGIN | Bannomyetin | 0091 | NA | 119-90 -4 | (WETOX)-or CHORD)-fb CARBN)-or INGIN | INGIN | | | 3,3,1-Di- methoxy- benzidine |
| 0062 | NA | 2303-16 -4 | (WETOX)-or CHORD)-fb CARBN)-or INGIN | INGIN | Bistate | 0092 | NA | 114-40 -3 | (WETOX)-or CHORD)-fb CARBN)-or INGIN | INGIN | | | Dimethylamine |
| 0064 | NA | 109-55 -9 | (WETOX)-or CHORD)-fb CARBN)-or INGIN | PSUBS)-or INGIN | 1,2,7,9-Di- benzopyrene | 0093 | Table-B | 621-90 -9 | NA | INGIN | | | P-Dimethyl- amino- benzene |
| 0073 | NA | 91-94 -1 | (WETOX)-or CHORD)-fb CARBN)-or INGIN | INGIN | 3,3,1-Dichloro- benzidine | 0094 | NA | 57-97 -6 | (WETOX)-or CHORD)-fb CARBN)-or INGIN | PSUBS)-or INGIN | | | 7,12-Dimethyl- benzof- anthracene |
| 0074 | NA | 1476-11 -5 | (WETOX)-or CHORD)-fb CARBN)-or INGIN | INGIN | 0,0-1,4-Di- chloro-2- butene-1,trans- 1,4-Dichloro- 2-butene | 0095 | NA | 119-93 -7 | (WETOX)-or CHORD)-fb CARBN)-or INGIN | INGIN | | | 3,3,1-Dimethyl- benzof- anthracene |
| 0085 | NA | 1464-53 | (WETOX)-or | PSUBS)-or | 1,2,3,7,4-Di- | 0096 | NA | 00-15 | CHORD) | PSUBS)- | | | alpha,alpha- |

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| B134 | Table-B | 7664-39 -3 | NA | INGIN | INGIN | ADGAS-fb NEBTR-or NEBTR | Hydrogen fluoride | B154 | NA | 67-56 -1 | {WETOK-or CHOKB}-fb CARBN-or INGIN | {PSBS-or CHOKB} CHREB-or INGIN | Methanol |
|------|-----------------|---------------|---|---|-----------------------------|--|--|------|---------|---------------|---|---|--|
| | | | | | | | | | | | | | |
| B135 | NA | 7793-06 -4 | CHOKB- CHREB-or INGIN | CHOKB- CHREB-or INGIN | CHOKB- CHREB-or INGIN | Hydrogen Sulfide | Hydrogen Sulfide | B156 | NA | 79-22 -1 | {WETOK-or CHOKB}-fb CARBN-or INGIN | INGIN | Methyl-chloro- carbonate |
| B143 | NA | 903-34 -4 | {WETOK-or CHOKB}-fb CARBN-or INGIN | {WETOK-or CHOKB}-fb CARBN-or INGIN | INGIN | Isotocarpine | Isotocarpine | B160 | NA | 1330-23 -4 | CHOKB- CHREB-GARBN BIBSG-or INGIN | PSBS- CHOKB- CHREB-or INGIN | Methyl-ethyl ketone peroxide |
| B147 | NA | 109-31 -5 | {WETOK-or CHOKB}-fb CARBN-or INGIN | {WETOK-or CHOKB}-fb CARBN-or INGIN | PSBS-or INGIN | Malic anhydride | Malic anhydride | B163 | NA | 70-25 -7 | {WETOK-or CHOKB}-fb CARBN-or INGIN | INGIN | N-Methyl-N- nitro-N- nitroso- guanidine |
| B148 | NA | 123-33 -1 | {WETOK-or CHOKB}-fb CARBN-or INGIN | {WETOK-or CHOKB}-fb CARBN-or INGIN | INGIN | Malic hydrate | Malic hydrate | B164 | NA | 56-04 -2 | {WETOK-or CHOKB}-fb CARBN-or INGIN | INGIN | Methylthio- acetyl |
| B149 | NA | 109-77 -3 | {WETOK-or CHOKB}-fb CARBN-or INGIN | {WETOK-or CHOKB}-fb CARBN-or INGIN | INGIN | Malononitrile | Malononitrile | B166 | NA | 130-15 -4 | {WETOK-or CHOKB}-fb CARBN-or INGIN | PSBS-or INGIN | 1,4-Naphtho- quinone |
| B150 | NA | 140-02 -3 | {WETOK-or CHOKB}-fb CARBN-or INGIN | {WETOK-or CHOKB}-fb CARBN-or INGIN | INGIN | Methanone | Methanone | B167 | NA | 134-32 -7 | {WETOK-or CHOKB}-fb CARBN-or INGIN | INGIN | 1-Naphthyl- amine |
| B151 | Tables-A 6-B | 7439-97 -6 | NA | RMERE | RMERE | Mercury- High-Mercury Subcategory-- Greater-than or-equal-to 260-mg/kg total-Mercury | Mercury- High-Mercury Subcategory-- Greater-than or-equal-to 260-mg/kg total-Mercury | B168 | Table-B | 91-59 -8 | NA | INGIN | 2-Naphthyl- amine |
| B153 | NA | 74-93 -1 | {WETOK-or CHOKB}-fb CARBN-or INGIN | {WETOK-or CHOKB}-fb CARBN-or INGIN | INGIN | Methanethiol | Methanethiol | B171 | NA | 79-46 -9 | {WETOK-or CHOKB}-fb CARBN-or INGIN | INGIN | 2-Nitropropane |
| B153 | NA | 74-93 -1 | {WETOK-or CHOKB}-fb CARBN-or INGIN | {WETOK-or CHOKB}-fb CARBN-or INGIN | INGIN | Methanethiol | Methanethiol | B173 | NA | 116-54 -7 | {WETOK-or CHOKB}-fb CARBN-or INGIN | INGIN | N-Nitroso-N- ethanethiol |

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|------|----|---------------|--|-------------------------------|-----------------------------------|------|----------|---------------|--|-------------------|-----------------------------|
| BI76 | NA | 759-73 -9 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | N-Nitroso-N- ethylurea | U197 | NA | 106-51 -4 | (WETOX-OR CHODT-FB CARBN-OR INGIN | PSHBS-OR INGIN | P-Benzocquinone |
| BI77 | NA | 604-93 -5 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | N-Nitroso-N- methylurea | U200 | NA | 50-55 -5 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | Reserpine |
| BI78 | NA | 615-53 -2 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | N-Nitroso-N- methylpropylamine | U201 | NA | 100-46 -3 | (WETOX-OR CHODT-FB CARBN-OR INGIN | PSHBS-OR INGIN | Resorcinol |
| BI80 | NA | 76-01 -7 | (WETOX-OR CHODT-FB CARBN-OR INGIN | PSHBS-OR INGIN | Paraldehyde | U202 | NA | 01-07 -2-A | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | Secobarbital and salts |
| BI84 | NA | 504-60 -9 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | 1,3-Pentadiene | U206 | NA | 1000-66 -4 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | Stearic acid |
| BI86 | NA | 1314-00 -3 | (WETOX-OR CHODT-FB CARBN-OR INGIN | PSHBS-OR INGIN | 1,3-Pentadiene | U213 | NA | 109-99 -9 | (WETOX-OR CHODT-FB CARBN-OR INGIN | PSHBS-OR INGIN | Propylhydro- quinone |
| BI89 | NA | 1314-00 -3 | (WETOX-OR CHODT-FB CARBN-OR INGIN | CHODT-OR CHODT-OR INGIN | Phosphorus sulfide | U214 | Tablet-B | 563-60 -0 | NA | RPHRM-OR STAB5 | Propylthiuram- disulfide |
| BI91 | NA | 199-06 -0 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | 2-Proctine | U215 | Tablet-B | 653-73 -9 | NA | RPHRM-OR STAB5 | Propylthiuram- disulfide |
| BI93 | NA | 1120-71 -4 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | 1,3-Propane sulfone | U216 | Tablet-B | 779-113 -4 | NA | RPHRM-OR STAB5 | Propylthiuram- disulfide |
| BI95 | NA | 1120-71 -4 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | 1,3-Propane sulfone | U217 | Tablet-B | 1010-45 -1 | NA | RPHRM-OR STAB5 | Propylthiuram- disulfide |
| BI94 | NA | 107-10 -0 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | n-Propylamine | U218 | NA | 62-55 -5 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | Propylthiuram- disulfide |
| BI94 | NA | 107-10 -0 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | n-Propylamine | U219 | NA | 62-55 -5 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | Propylthiuram- disulfide |

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|------|----|---------------|--|-------------------|-----------------------------|------|----------|---------------|--|-------------------|-----------------------------|
| BI89 | NA | 106-51 -4 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | PSHBS-OR INGIN | U197 | NA | 106-51 -4 | (WETOX-OR CHODT-FB CARBN-OR INGIN | PSHBS-OR INGIN | P-Benzocquinone |
| BI90 | NA | 504-60 -9 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | Reserpine | U200 | NA | 50-55 -5 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | Reserpine |
| BI91 | NA | 100-46 -3 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | Resorcinol | U201 | NA | 100-46 -3 | (WETOX-OR CHODT-FB CARBN-OR INGIN | PSHBS-OR INGIN | Resorcinol |
| BI92 | NA | 01-07 -2-A | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | Secobarbital and salts | U202 | NA | 01-07 -2-A | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | Secobarbital and salts |
| BI93 | NA | 1000-66 -4 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | Stearic acid | U206 | NA | 1000-66 -4 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | Stearic acid |
| BI94 | NA | 109-99 -9 | (WETOX-OR CHODT-FB CARBN-OR INGIN | PSHBS-OR INGIN | Propylhydro- quinone | U213 | NA | 109-99 -9 | (WETOX-OR CHODT-FB CARBN-OR INGIN | PSHBS-OR INGIN | Propylhydro- quinone |
| BI95 | NA | 563-60 -0 | NA | RPHRM-OR STAB5 | Propylthiuram- disulfide | U214 | Tablet-B | 563-60 -0 | NA | RPHRM-OR STAB5 | Propylthiuram- disulfide |
| BI96 | NA | 653-73 -9 | NA | RPHRM-OR STAB5 | Propylthiuram- disulfide | U215 | Tablet-B | 653-73 -9 | NA | RPHRM-OR STAB5 | Propylthiuram- disulfide |
| BI97 | NA | 779-113 -4 | NA | RPHRM-OR STAB5 | Propylthiuram- disulfide | U216 | Tablet-B | 779-113 -4 | NA | RPHRM-OR STAB5 | Propylthiuram- disulfide |
| BI98 | NA | 1010-45 -1 | NA | RPHRM-OR STAB5 | Propylthiuram- disulfide | U217 | Tablet-B | 1010-45 -1 | NA | RPHRM-OR STAB5 | Propylthiuram- disulfide |
| BI99 | NA | 62-55 -5 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | Propylthiuram- disulfide | U218 | NA | 62-55 -5 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | Propylthiuram- disulfide |
| BI00 | NA | 62-55 -5 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | Propylthiuram- disulfide | U219 | NA | 62-55 -5 | (WETOX-OR CHODT-FB CARBN-OR INGIN | INGIN | Propylthiuram- disulfide |

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technology-based-treatment-standards---Derived-from--49--EPR--368-427--Table--2
(1992-7-29-amended-at-57-Fed.-Reg.-37293-(Aug.-18-1992)-and-59-Fed.-Reg.-31552
(June-207-1994)-

(Source: Amended at 19 Ill. Reg. _____, effective
_____)

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Section 728.TABLE E Standards for Radioactive Mixed Waste

BOARD NOTE: For the requirements previously found in this Section, refer to Sections 728.140 and 728.Table T.

| Waste-code | Waste-descriptions and/or-treatment category | EAS-Not | Wastewaters | Nonwastewaters | Technology-Code |
|------------|--|-----------|-------------|----------------|-----------------|
| B002 | Radioactive-high level-wastes generated-during the-reprocessing of-fuel-rods subcategory | NA | NA | HEVIT | |
| B004 | Radioactive-high level-wastes generated-during the-reprocessing-of fuel-rods subcategory | NA | NA | HEVIT | |
| B005 | Radioactive-high level-wastes generated-during the-reprocessing of-fuel-rods -subcategory | NA | NA | HEVIT | |
| B006 | Radioactive-high level-wastes generated-during the-reprocessing-of fuel-rods subcategory | NA | NA | HEVIT | |
| B007 | Radioactive-high level-wastes generated-during the-reprocessing of-fuel-rods subcategory | NA | NA | HEVIT | |
| B008 | Radioactive-lead solids-subcategory (Not-taxed) | 7439-92-1 | NA | MACRO | |

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solids include but are not limited to all forms of lead shielding and other elemental forms of lead these lead solids do not include treatment residuals such as hydroxide sludges other wastewater treatment residuals or incinerator ashes that can undergo conventional pozzolanic stabilization nor do they include orphaned materials that can be incinerated and stabilized as ash.

HEVIF

Radioactive high level wastes generated during the reprocessing of fuel rods subcategory

B008

NA

AMBSM

Elemental mercury contaminated with radioactive materials

B009

NA

EMERG

Hydraulic oil contaminated with mercury radioactive materials subcategory

B009

NA

HEVIF

Radioactive high level wastes generated during the reprocessing of fuel rods subcategory

B009

NA

HEVIF

Radioactive high level wastes generated during

B010

NA

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the reprocessing of fuel rods subcategory

B011

Radioactive high level wastes generated during the reprocessing of fuel rods subcategory

HEVIF

B151

Mercury elemental mercury contaminated with radioactive materials

AMBSM

Note: NA means Not Applicable.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 728.TABLE G Alternative Treatment Standards Based on HMTR

For the treatment standards previously found in this Section and Section 728.146, refer to Sections 728.140 and 728.Table T, "Treatment Standards for Hazardous Wastes".

| Waste code | See-Also | CAS-No.-for | | Nonwastewaters Concentration (mg/l)-PEEP |
|------------|--------------|---------------------------------|---------------------------------|--|
| | | Regulated Hazardous Constituent | Regulated Hazardous Constituent | |
| P006 | Tables-A &-B | Antimony | 7440-36-0 | 2-1 |
| | | Arsenic | 7440-38-2 | 0-055 |
| | | Barium | 7440-39-3 | 7-6 |
| | | Beryllium | 7440-41-7 | 0-014 |
| | | Cadmium | 7440-43-9 | 0-19 |
| | | Chromium (total) | 7440-47-32 | 0-39 |
| | | Cyanide (mg/kg) | 57-12-5 | 1-0 |
| | | (total) | | |
| | | Lead | 7439-92-1 | 0-37 |
| | | Mercury | 7439-97-6 | 0-009 |
| K062 | Tables-A &-B | Nickel | 7440-02-0 | 5-0 |
| | | Selenium | 7702-49-2 | 0-16 |
| | | Silver | 7440-22-4 | 0-30 |
| | | Thallium | | 0-070 |
| | | Zinc | 7440-66-6 | 5-3 |
| | | Antimony | 7440-36-0 | 2-1 |
| | | Arsenic | 7440-38-2 | 0-055 |
| | | Barium | 7440-39-3 | 7-6 |
| | | Beryllium | 7440-41-7 | 0-014 |
| | | Cadmium | 7440-43-9 | 0-19 |

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 728.TABLE T Treatment Standards for Hazardous Wastes

Note: The treatment standards that heretofore appeared in tables in Sections 728.141, 728.142, and 728.143 have been consolidated into this table.

| Regulated Hazardous Constituent | | Wastewaters | | Nonwastewaters | |
|---------------------------------|---------------|--|--|--|---|
| Common Name | CAS(2) Number | Concentration mg/l(3); or Technology Code(4) | Concentration in mg/kg(3) unless noted as "mg/l TCLP"; or Technology Code(4) | Concentration in mg/kg(3) unless noted as "mg/l TCLP"; or Technology Code(4) | |
| D001 | NA | DEACT and meet Section 728.148 standards; or RORGS; or CMBST | DEACT and meet Section 728.148 standards; or RORGS; or CMBST | DEACT and meet Section 728.148 standards; or RORGS; or CMBST | Ignitable Characteristic Wastes, except for the Section 721.121(a)(1) High TOC Subcategory, that are managed in non-CWA or non-CWA-equivalent or non-Class I SDWA systems. |
| | | | | | |
| D001 | NA | DEACT | DEACT | DEACT | Ignitable Characteristic Wastes, except for the Section 721.121(a)(1) High TOC Subcategory, that are managed in CWA or CWA-equivalent or Class I SDWA systems. |
| | | | | | |
| D001 | NA | NA | NA | RORGS; or CMBST | High TOC Ignitable Characteristic Liquids Subcategory based on 35 Ill. Adm. Code 721.121(a)(1) - Greater than or equal to 10% total organic carbon. (Note: This subcategory consists of nonwastewaters only.) |
| | | | | | |
| D002 | NA | DEACT and meet Section 728.148 standards | DEACT and meet Section 728.148 standards | DEACT and meet Section 728.148 standards | Corrosive Characteristic Wastes that are managed in non-CWA or non-CWA-equivalent non-Class I SDWA systems. |
| | | | | | |

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D002, D004, D005, D006, D007, D008, D009, D010, D011
Radioactive high level wastes generated during the reprocessing of fuel rods.
(Note: This subcategory consists of nonwastewaters only.)

| | | | |
|------------------|-----------|----|-------|
| Corrosivity (pH) | NA | NA | HLVIT |
| Arsenic | 7440-38-2 | NA | HLVIT |
| Barium | 7440-39-3 | NA | HLVIT |
| Cadmium | 7440-43-9 | NA | HLVIT |
| Chromium (Total) | 7440-47-3 | NA | HLVIT |
| Lead | 7439-92-1 | NA | HLVIT |
| Mercury | 7439-87-6 | NA | HLVIT |
| Selenium | 7782-49-2 | NA | HLVIT |
| Silver | 7440-22-4 | NA | HLVIT |

D003
Reactive Sulfides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).

| | | | |
|----|----|-------|-------|
| NA | NA | DEACT | DEACT |
|----|----|-------|-------|

D003
Explosive subcategory based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and (a)(8).

| | | | |
|----|----|-------|-------|
| NA | NA | DEACT | DEACT |
|----|----|-------|-------|

D003
Other Reactives Subcategory based on 35 Ill. Adm. Code 721.123(a)(1).

| | | | |
|----|----|-------|-------|
| NA | NA | DEACT | DEACT |
|----|----|-------|-------|

D003
Water Reactive Subcategory based on 35 Ill. Adm. Code 721.123(a)(2), (a)(3), and (a)(4).
(Note: This subcategory consists of nonwastewaters only.)

| | | | |
|----|----|-------|-------|
| NA | NA | DEACT | DEACT |
|----|----|-------|-------|

D003
Reactive Cyanides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).

| | | | |
|-------------------------|---------|------|-----|
| Cyanides (Total)(7) | 57-12-5 | -- | 590 |
| Cyanides (Amendable)(7) | 57-12-5 | 0.86 | 30 |

D004
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for arsenic based on the extraction procedure (EP) in SW-846 Method 1310.

| | | | |
|---------|-----------|-----|------------|
| Arsenic | 7440-38-2 | 5.0 | 5.0mg/l EP |
|---------|-----------|-----|------------|

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Arsenic; alternate(6)
standard for
nonwastewaters only.

| | | |
|-----------|----|---------------|
| 7440-38-2 | NA | 5.0 mg/l TCLP |
|-----------|----|---------------|

D005
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on the extraction procedure (EP) in SW-846 Method 1310.

| | | | |
|--------|-----------|-----|---------------|
| Barium | 7440-39-3 | 100 | 100 mg/l TCLP |
|--------|-----------|-----|---------------|

D006
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on the extraction procedure (EP) in SW-846 Method 1310.

| | | | |
|---------|-----------|-----|---------------|
| Cadmium | 7440-43-9 | 1.0 | 1.0 mg/l TCLP |
|---------|-----------|-----|---------------|

D006
Cadmium Containing Batteries Subcategory
(Note: This subcategory consists of nonwastewaters only.)

| | | | |
|---------|-----------|----|-------|
| Cadmium | 7440-43-9 | NA | RTHRM |
|---------|-----------|----|-------|

D007
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on the extraction procedure (EP) in SW-846 Method 1310.

| | | | |
|------------------|-----------|-----|---------------|
| Chromium (Total) | 7440-47-3 | 5.0 | 5.0 mg/l TCLP |
|------------------|-----------|-----|---------------|

D008
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on the extraction procedure (EP) in SW-846 Method 1310.

| | | | |
|---|-----------|-----|---------------|
| Lead | 7439-92-1 | 5.0 | 5.0 mg/l EP |
| Lead; alternate(6) nonwastewaters only | 7439-92-1 | NA | 5.0 mg/l TCLP |

D008
Lead Acid Batteries Subcategory
(Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180).)
(Note: This subcategory consists of nonwastewaters only.)

| | | | |
|------|-----------|----|-------|
| Lead | 7439-92-1 | NA | RLPAD |
|------|-----------|----|-------|

D008
Radioactive Lead Solids Subcategory

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(Note: These lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozsolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash.)

(Note: This subcategory consists of nonwastewaters only.)

| <u>Lead</u> | <u>7439-92-1</u> | <u>NA</u> | <u>MACRO</u> |
|-------------|------------------|-----------|--------------|
|-------------|------------------|-----------|--------------|

D009 Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the extraction procedure (EP) in SW-846 Method 1310; and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues.
(High Mercury-Organic Subcategory)

| <u>Mercury</u> | <u>7439-97-6</u> | <u>NA</u> | <u>IMERC; or</u> |
|----------------|------------------|-----------|------------------|
| | | | <u>RMERC</u> |

D009
Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the extraction procedure (EP) in SW-846 Method 1310; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RWPRC. High Mercury-Inorganic Subcategory)

| | | | |
|----------------|------------------|-----------|--------------|
| <u>Mercury</u> | <u>7439-97-6</u> | <u>NA</u> | <u>RMERC</u> |
|----------------|------------------|-----------|--------------|

D009
Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the extraction procedure (EP) in SW-846 Method 1310; and contain less than 260 mg/kg total mercury.
Low Mercury Subcategory)

Mercury

All D009 wastewaters

| | | | |
|---------|-----------|------|----|
| Mercury | 7439-97-6 | 0.20 | NA |
|---------|-----------|------|----|

D009
Elemental mercury contaminated with radioactive materials.
(Note: This subcategory consists of nonwastewaters only.)

| | | | |
|---------|-----------|----|-------|
| Mercury | 7439-97-6 | NA | AMTGM |
|---------|-----------|----|-------|

D009

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory.
(Note: This subcategory consists of nonwastewaters only.)

| | | | |
|---------|-----------|----|-------|
| Mercury | 7439-97-6 | NA | IMERC |
|---------|-----------|----|-------|

D010
wastes that exhibit, or are expected to exhibit, the characteristic or toxicity for selenium based on the extraction procedure (EP) in SW-846 Method 1310.

| | | | |
|----------|-----------|-----|---------------|
| Selenium | 7782-49-2 | 1.0 | 5.7 mg/l TCLP |
|----------|-----------|-----|---------------|

D011
wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on the extraction procedure (EP) in SW-846 Method 1310.

| | | | |
|--------|-----------|-----|---------------|
| Silver | 7440-22-4 | 5.0 | 5.0 mg/l TCLP |
|--------|-----------|-----|---------------|

D012
Wastes that are TC for Endrin based on the TCIP in SW-846 Method 1311.

| | | | |
|---------------|----------------|------------------|--------------|
| <u>Endrin</u> | <u>72-20-8</u> | <u>BIODG; or</u> | <u>0.13</u> |
| | | <u>INCIN</u> | <u>and m</u> |

| <u>Endrin aldehyde</u> | <u>7421-93-4</u> | <u>BIODG; or</u> <u>INCIN</u> |
|------------------------|------------------|----------------------------------|
|------------------------|------------------|----------------------------------|

D013
wastes that are TC for Lindane based on the TCLP in SW-846 Method 1311.

| | | | |
|------------------|-----------------|------------------|---------------|
| <u>alpha-BHC</u> | <u>319-84-6</u> | <u>CARBN; or</u> | <u>0.066</u> |
| | | <u>INCIN</u> | <u>and me</u> |

| <u>beta-BHC</u> | <u>319-85-7</u> | <u>CARBN; or</u> <u>INCIN</u> |
|-----------------|-----------------|----------------------------------|
| 1 | 1 | 1 |
| 2 | 2 | 2 |
| 3 | 3 | 3 |
| 4 | 4 | 4 |
| 5 | 5 | 5 |
| 6 | 6 | 6 |
| 7 | 7 | 7 |
| 8 | 8 | 8 |
| 9 | 9 | 9 |
| 10 | 10 | 10 |
| 11 | 11 | 11 |
| 12 | 12 | 12 |
| 13 | 13 | 13 |
| 14 | 14 | 14 |
| 15 | 15 | 15 |
| 16 | 16 | 16 |
| 17 | 17 | 17 |
| 18 | 18 | 18 |
| 19 | 19 | 19 |
| 20 | 20 | 20 |
| 21 | 21 | 21 |
| 22 | 22 | 22 |
| 23 | 23 | 23 |
| 24 | 24 | 24 |
| 25 | 25 | 25 |
| 26 | 26 | 26 |
| 27 | 27 | 27 |
| 28 | 28 | 28 |
| 29 | 29 | 29 |
| 30 | 30 | 30 |
| 31 | 31 | 31 |
| 32 | 32 | 32 |
| 33 | 33 | 33 |
| 34 | 34 | 34 |
| 35 | 35 | 35 |
| 36 | 36 | 36 |
| 37 | 37 | 37 |
| 38 | 38 | 38 |
| 39 | 39 | 39 |
| 40 | 40 | 40 |
| 41 | 41 | 41 |
| 42 | 42 | 42 |
| 43 | 43 | 43 |
| 44 | 44 | 44 |
| 45 | 45 | 45 |
| 46 | 46 | 46 |
| 47 | 47 | 47 |
| 48 | 48 | 48 |
| 49 | 49 | 49 |
| 50 | 50 | 50 |
| 51 | 51 | 51 |
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| 53 | 53 | 53 |
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| 56 | 56 | 56 |
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| 58 | 58 | 58 |
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| 67 | 67 | 67 |
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| 75 | 75 | 75 |
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| 81 | 81 | 81 |
| 82 | 82 | 82 |
| 83 | 83 | 83 |
| 84 | 84 | 84 |
| 85 | 85 | 85 |
| 86 | 86 | 86 |
| 87 | 87 | 87 |
| 88 | 88 | 88 |
| 89 | 89 | 89 |
| 90 | 90 | 90 |
| 91 | 91 | 91 |
| 92 | 92 | 92 |
| 93 | 93 | 93 |
| 94 | 94 | 94 |
| 95 | 95 | 95 |
| 96 | 96 | 96 |
| 97 | 97 | 97 |
| 98 | 98 | 98 |
| 99 | 99 | 99 |
| 100 | 100 | 100 |

delta-BHC 319-86-8 CARBN; or
INCIN

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|----------------|----------------|--|--|
| <u>Benzene</u> | <u>71-43-2</u> | <u>0.14</u> and meet Section 728.148 standards | <u>10</u> and meet Section 728.148 standards |
|----------------|----------------|--|--|

D019
Wastes that are TC for Carbon tetrachloride based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

| | | | |
|-----------------------------|----------------|--|--|
| <u>Carbon tetrachloride</u> | <u>56-23-5</u> | <u>0.05</u> and meet Section 728.148 standards | <u>76.0</u> and meet Section 728.148 standards |
|-----------------------------|----------------|--|--|

D020
Wastes that are TC for Chloroform based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

| | | | |
|---|----------------|--|--|
| <u>Chloroform (alpha and gamma isomers)</u> | <u>57-74-9</u> | <u>0.0033</u> and meet Section 728.148 standards | <u>0.26</u> and meet Section 728.148 standards |
|---|----------------|--|--|

D021
Wastes that are TC for Chlorobenzene based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

| | | | |
|----------------------|-----------------|---|---|
| <u>Chlorobenzene</u> | <u>108-90-7</u> | <u>0.057</u> and meet Section 728.148 standards | <u>6.0</u> and meet Section 728.148 standards |
|----------------------|-----------------|---|---|

D022
Wastes that are TC for Chloroform based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

| | | | |
|-------------------|----------------|--|--|
| <u>Chloroform</u> | <u>67-66-3</u> | <u>0.046</u> and meet Section 728.148 | <u>6.0</u> and meet Section 728.148 |
|-------------------|----------------|--|--|

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|----------------------------|----------------|----------------------------------|---|
| <u>gamma-BHC (Lindane)</u> | <u>58-89-9</u> | <u>CARBN; or</u> <u>INCIN</u> | <u>728.148</u> standards <u>0.066</u> and meet Section 728.148 standards |
|----------------------------|----------------|----------------------------------|---|

D014
Wastes that are TC for Methoxychlor based on the TCLP in SW-846 Method 1311.

| | | | |
|---------------------|----------------|-----------------------|--|
| <u>Methoxychlor</u> | <u>72-43-5</u> | <u>WETOX or INCIN</u> | <u>0.18</u> and meet Section 728.148 standards |
|---------------------|----------------|-----------------------|--|

D015
Wastes that are TC for Toxaphene based on the TCLP in SW-846 Method 1311.

| | | | |
|------------------|------------------|-----------------------|---|
| <u>Toxaphene</u> | <u>8001-35-2</u> | <u>BIODG or INCIN</u> | <u>2.6</u> and meet Section 728.148 standards |
|------------------|------------------|-----------------------|---|

D016
Wastes that are TC for 2,4-D (2,4-Dichlorophenoxyacetic acid) based on the TCLP in SW-846 Method 1311.

| | | | |
|---|----------------|-------------------------------|--|
| <u>2,4-D (2,4-Dichlorophenoxyacetic acid)</u> | <u>94-75-7</u> | <u>CHOXD, BIODG, or INCIN</u> | <u>10</u> and meet Section 728.148 standards |
|---|----------------|-------------------------------|--|

D017
Wastes that are TC for 2,4,5-TP (Silvex) based on the TCLP in SW-846 Method 1311.

| | | | |
|--------------------------|----------------|-----------------------|---|
| <u>2,4,5-TP (Silvex)</u> | <u>93-72-1</u> | <u>CHOXD or INCIN</u> | <u>7.9</u> and meet Section 728.148 standards |
|--------------------------|----------------|-----------------------|---|

D018
Wastes that are TC for Benzene based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

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standards

D023 Wastes that are TC for o-Cresol based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only

o-Cresol 95-48-7 0.11 and meet Section 728.148 standards 5.6 and meet Section 728.148 standards

D024 Wastes that are TC for m-Cresol based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

m-Cresol 108-39-4 0.77 and meet Section 728.148 standards 5.6 and meet Section 728.148 standards

D025 Wastes that are TC for p-Cresol based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

p-Cresol 106-44-5 0.77 and meet Section 728.148 standards 5.6 and meet Section 728.148 standards

D026 Wastes that are TC for Cresols (Total) based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

Cresol-mixed isomers 1319-77-3 0.88 and meet Section 728.148 standards 11.2 and meet Section 728.148 standards

D027 Wastes that are TC for p-Dichlorobenzene based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA

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systems only.

p-Dichlorobenzene (1,4-Dichlorobenzene) 106-46-7 0.090 and meet Section 728.148 standards 6.0 and meet Section 728.148 standards

D028 Wastes that are TC for 1,2-Dichloroethane based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

1,2-Dichloroethane 107-06-2 0.2 and meet Section 728.148 standards 16.0 and meet Section 728.148 standards

D029 Wastes that are TC for 1,1-Dichloroethylene based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

1,1-Dichloroethylene 75-35-4 0.025 and meet Section 728.148 standards 6.0 and meet Section 728.148 standards

D030 Wastes that are TC for 2,4-Dinitroethene based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

2,4-Dinitroethene 121-14-2 0.32 and meet Section 728.148 standards 140 and meet Section 728.148 standards

D031 Wastes that are TC for Heptachlor based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

Heptachlor 76-44-8 0.0012 and meet 0.066 and meet

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| | | | | |
|----------------------------|--|-------------------------------------|--|--|
| <u>Heptachlor epoxide</u> | <u>1024-57-3</u> | <u>0.016</u> and meet Section | <u>Section</u> <u>728.148</u> standards <u>0.066</u> and meet Section | |
| D032 | Wastes that are TC for Hexachlorobenzene based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only. | | | |
| <u>Hexachlorobenzene</u> | <u>118-74-1</u> | <u>0.055</u> and meet Section | <u>10</u> and meet Section | |
| | | <u>728.148</u> standards | <u>728.148</u> standards | |
| D033 | Wastes that are TC for Hexachlorobutadiene based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only. | | | |
| <u>Hexachlorobutadiene</u> | <u>67-68-3</u> | <u>0.055</u> and meet Section | <u>5.6</u> and meet Section | |
| | | <u>728.148</u> standards | <u>728.148</u> standards | |
| D034 | Wastes that are TC for Hexachloroethane based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only. | | | |
| <u>Hexachloroethane</u> | <u>67-72-1</u> | <u>0.055</u> and meet Section | <u>30</u> and meet Section | |
| | | <u>728.148</u> standards | <u>728.148</u> standards | |
| D035 | Wastes that are TC for Methyl ethyl ketone based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only. | | | |
| <u>Methyl ethyl ketone</u> | <u>78-93-3</u> | <u>0.28</u> and meet Section | <u>36</u> and meet Section | |
| | | <u>728.148</u> | <u>728.148</u> | |

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| | standards | standards |
|---------------------|--|--|
| D036 | Wastes that are TC for Nitrobenzene based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only. | |
| Nitrobenzene | <u>98-95-3</u> | <u>0.068</u> and meet Section <u>728.148</u> standards |
| | | <u>14</u> and meet Section <u>728.148</u> standards |
| D037 | Wastes that are TC for Pentachlorophenol based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only. | |
| Pentachlorophenol | <u>87-86-5</u> | <u>0.089</u> and meet Section <u>728.148</u> standards |
| | | <u>7.4</u> and meet Section <u>728.148</u> standards |
| D038 | Wastes that are TC for pyridine based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only. | |
| Pyridine | <u>110-86-1</u> | <u>0.014</u> and meet Section <u>728.148</u> standards |
| | | <u>16</u> and meet Section <u>728.148</u> standards |
| D039 | Wastes that are TC for Tetrachloroethylene based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only. | |
| Tetrachloroethylene | <u>127-18-4</u> | <u>0.056</u> and meet Section <u>728.148</u> standards |
| | | <u>6.0</u> and meet Section <u>728.148</u> standards |
| D040 | Wastes that are TC for Trichloroethylene based on the TCLP in SW-846 Method | |

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1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

| | | | |
|-------------------|---------|--|--|
| Trichloroethylene | 79-01-6 | 0.054 and meet Section 728.148 standards | 6.0 and meet Section 728.148 standards |
|-------------------|---------|--|--|

D041

Wastes that are TC for 2,4,5-Trichlorophenol based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

| | | | |
|-----------------------|---------|---|--|
| 2,4,5-Trichlorophenol | 95-95-4 | 0.18 and meet Section 728.148 standards | 7.4 and meet Section 728.148 standards |
|-----------------------|---------|---|--|

D042

Wastes that are TC for 2,4,6-Trichlorophenol based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

| | | | |
|-----------------------|---------|--|--|
| 2,4,6-Trichlorophenol | 88-06-2 | 0.035 and meet Section 728.148 standards | 7.4 and meet Section 728.148 standards |
|-----------------------|---------|--|--|

D043

Wastes that are TC for Vinyl chloride based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

| | | | |
|----------------|---------|---|--|
| Vinyl chloride | 75-01-4 | 0.27 and meet Section 728.148 standards | 6.0 and meet Section 728.148 standards |
|----------------|---------|---|--|

F001, F002, F003, F004, & F005

F001, F002, F003, F004, or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol,

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methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloro-1,2,2-trifluoroethane, trichloroethylene, trichloromonofluoromethane, or xylenes (except as specifically noted in other subcategories). See further details of these listings in 35 Ill. Adm. Code 721.131

| | | | |
|--|-----------|-------|------|
| Acetone | 67-64-1 | 0.28 | 160 |
| Benzene | 71-43-2 | 0.14 | 10 |
| n-Butyl alcohol | 71-36-3 | 5.6 | 2.6 |
| Carbon disulfide | 75-15-0 | 3.8 | NA |
| Carbon tetrachloride | 56-23-5 | 0.057 | 6.0 |
| Chlorobenzene | 108-90-7 | 0.057 | 6.0 |
| O-Cresol | 95-48-7 | 0.11 | 5.6 |
| m-Cresol | 108-39-4 | 0.77 | 5.6 |
| (difficult to distinguish from p-cresol) | | | |
| p-Cresol | 106-44-5 | 0.77 | 5.6 |
| (difficult to distinguish from m-cresol) | | | |
| Cresol-mixed isomers (Cresylic acid) | 1319-77-3 | 0.88 | 11.2 |
| (Sum of o-, m-, and p-cresol concentrations) | | | |
| Cyclohexanone | 108-94-1 | 0.36 | NA |
| o-Dichlorobenzene | 95-50-1 | 0.088 | 6.0 |
| Ethyl acetate | 141-78-6 | 0.34 | 33 |
| Ethyl benzene | 100-41-4 | 0.057 | 10 |
| Ethyl ether | 60-29-7 | 0.12 | 160 |
| Isobutyl alcohol | 78-83-1 | 5.6 | 170 |
| Methanol | 67-56-1 | 5.6 | NA |
| Methylene chloride | 75-9-2 | 0.089 | 30 |
| Methyl ethyl ketone | 78-93-3 | 0.28 | 36 |
| Methyl isobutyl ketone | 108-10-1 | 0.14 | 33 |
| Nitrobenzene | 98-95-3 | 0.068 | 14 |
| Pyridine | 110-86-1 | 0.014 | 16 |
| Tetrachloroethylene | 127-18-4 | 0.056 | 6.0 |
| Toluene | 108-88-3 | 0.080 | 10 |
| 1,1,1-Trichloroethane | 71-55-6 | 0.054 | 6.0 |
| 1,1,2-Trichloroethane | 79-00-5 | 0.054 | 6.0 |
| 1,1,2-Trichloro-1,2,2-trifluoroethane | 76-13-1 | 0.057 | 30 |
| Trichloroethylene | 70-01-6 | 0.054 | 6.0 |
| Trichloromonofluoromethane | 75-69-4 | 0.020 | 30 |
| methane | | | |
| Xylenes-mixed isomers | 1330-20-7 | 0.32 | 30 |

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(sum of o-, m-, and p-xylene concentrations)

F001, F002, F003, F004 & F005

F003 and F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001 through F005 solvents: carbon disulfide, cyclohexanone, or methanol. (Formerly Section 728.141(c))

| | | | |
|------------------|----------|------|----------------|
| Carbon disulfide | 75-15-0 | 3.8 | 4.8 mg/l TCLP |
| Cyclohexanone | 108-94-1 | 0.36 | 0.75 mg/l TCLP |
| Methanol | 67-56-1 | 5.6 | 0.75 mg/l TCLP |

F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Nitropropane as the only listed F001 through F005 solvent.

2-Nitropropane 79-46-9 (WETOX or CHOXD) fb CARBN; or INCIN

F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Ethoxyethanol as the only listed F001 through F005 solvent.

2-Ethoxyethanol 110-80-5 BIODG; or INCIN

F006

Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (separated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning or stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

| | | | |
|------------------------|-----------|------|----------------|
| Cadmium | 7440-43-9 | 0.69 | 0.19 mg/l TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Cyanides (Total)(7) | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)(7) | 57-12-5 | 0.86 | 30 |
| Lead | 7439-92-1 | 0.69 | 0.37 mg/l TCLP |
| Nickel | 7440-02-0 | 3.98 | 5.0 mg/l TCLP |
| Silver | 7440-22-4 | NA | 0.30 mg/l TCLP |

F007

Spent cyanide plating bath solutions from electroplating operations.

| | | | |
|------------------------|-----------|------|----------------|
| Cadmium | 7440-43-9 | NA | 0.19 mg/l TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Cyanides (Total)(7) | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)(7) | 57-12-5 | 0.86 | 30 |

POLLUTION CONTROL BOARD

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| | | | |
|--------|-----------|------|----------------|
| Lead | 7439-92-1 | 0.69 | 0.37 mg/l TCLP |
| Nickel | 7440-02-0 | 3.98 | 5.0 mg/l TCLP |
| Silver | 7440-22-4 | NA | 0.30 mg/l TCLP |

F008

Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

| | | | |
|------------------------|-----------|------|----------------|
| Cadmium | 7440-43-9 | NA | 0.19 mg/l TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Cyanides (Total)(7) | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)(7) | 57-12-5 | 0.86 | 30 |
| Lead | 7439-92-1 | 0.69 | 0.37 mg/l TCLP |
| Nickel | 7440-02-0 | 3.98 | 5.0 mg/l TCLP |
| Silver | 7440-22-4 | NA | 0.30 mg/l TCLP |

F009

Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

| | | | |
|------------------------|-----------|------|----------------|
| Cadmium | 7440-43-9 | NA | 0.19 mg/l TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Cyanides (Total)(7) | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)(7) | 57-12-5 | 0.86 | 30 |
| Lead | 7439-92-1 | 0.69 | 0.37 mg/l TCLP |
| Nickel | 7440-02-0 | 3.98 | 5.0 mg/l TCLP |
| Silver | 7440-22-4 | NA | 0.30 mg/l TCLP |

F010

Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.

| | | | |
|------------------------|---------|------|-----|
| Cyanides (Total)(7) | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)(7) | 57-12-5 | 0.88 | NA |

F011

Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.

| | | | |
|------------------------|-----------|------|----------------|
| Cadmium | 7440-43-9 | NA | 0.19 mg/l TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Cyanides (Total)(7) | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)(7) | 57-12-5 | 0.86 | 30 |
| Lead | 7439-92-1 | 0.69 | 0.37 mg/l TCLP |
| Nickel | 7440-02-0 | 3.98 | 5.0 mg/l TCLP |
| Silver | 7440-22-4 | NA | 0.30 mg/l TCLP |

F012

Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|------------------------|-----------|------|----------------|
| Cadmium | 7440-43-9 | NA | 0.19 mg/l TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Cyanides (Total)(7) | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)(7) | 57-12-5 | 0.86 | 30 |
| Lead | 7439-92-1 | 0.69 | 0.37 mg/l TCLP |
| Nickel | 7440-02-0 | 3.98 | 5.0 mg/l TCLP |
| Silver | 7440-22-4 | NA | 0.30 mg/l TCLP |

F019

Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.

| | | | |
|----------------------|-----------|------|----------------|
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Cyanides (Total)(7) | 57-12-5 | 1.2 | 590 |
| Cyanides Amenable(7) | 57-12-5 | 0.86 | 30 |

F020, F021, F022, F023, F026

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives, excluding wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (i.e., F020); (2) pentachlorophenol, or of intermediates used to produce its derivatives (i.e., F021); (3) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F022). Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F023); (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).

| | | | |
|---|---------|----------|-------|
| HxCDDs (All Hexachloro-dibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| HxCDFs (All Hexachloro-dibenzofurans) | NA | 0.000063 | 0.001 |
| PeCDDs (All Penta-chloro-dibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| PeCDFs (All Pentachloro-dibenzofurans) | NA | 0.000035 | 0.001 |
| TCDDs (All Tetrachloro-dibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| TCDFs (All Tetrachloro-dibenzofurans) | NA | 0.000063 | 0.001 |
| 2,4,5-Trichlorophenol | 95-95-4 | 0.18 | 7.4 |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|----------------------------|---------|-------|-----|
| 2,4,6-Trichlorophenol | 88-06-2 | 0.035 | 7.4 |
| 2,3,4,6-Tetrachloro-phenol | 58-90-2 | 0.030 | 7.4 |
| Pentachlorophenol | 87-86-5 | 0.089 | 7.4 |

F027

Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

| | | | |
|--|---------|----------|-------|
| HxCDDs (All Hexachloro-dibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| HxCDFs (All Hexachloro-dibenzofurans) | NA | 0.000063 | 0.001 |
| PeCDDs (All Pentachloro-dibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| PeCDFs (All Pentachloro-dibenzofurans) | NA | 0.000035 | 0.001 |
| TCDDs (All Tetrachloro-dibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| TCDFs (All Tetrachloro-dibenzofurans) | NA | 0.000063 | 0.001 |
| 2,4,5-Trichlorophenol | 95-95-4 | 0.18 | 7.4 |
| 2,4,6-Trichlorophenol | 88-06-2 | 0.035 | 7.4 |
| 2,3,4,6-Tetrachloro-phenol | 58-90-2 | 0.030 | 7.4 |
| Pentachlorophenol | 87-86-5 | 0.089 | 7.4 |

F028

Residues resulting from the incineration or thermal treatment of soil contaminated with U.S. EPA hazardous waste numbers F020, F021, F023, F026, and F027.

| | | | |
|--|---------|----------|-------|
| HxCDDs (All Hexachloro-dibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| HxCDFs (All Hexachloro-dibenzofurans) | NA | 0.000063 | 0.001 |
| PeCDDs (All Pentachloro-dibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| PeCDFs (All Pentachloro-dibenzofurans) | NA | 0.000035 | 0.001 |
| TCDDs (All Tetrachloro-dibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| TCDFs (All Tetrachloro-dibenzofurans) | NA | 0.000063 | 0.001 |
| 2,4,5-Trichlorophenol | 95-95-4 | 0.18 | 7.4 |
| 2,4,6-Trichlorophenol | 88-06-2 | 0.035 | 7.4 |
| 2,3,4,6-Tetrachloro- | 58-90-2 | 0.030 | 7.4 |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|-------------------|---------|-------|-----|
| phenol | 87-86-5 | 0.089 | 7.4 |
| Pentachlorophenol | | | |

F024

Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to an including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 35 Ill. Adm. Code 721.131 or 721.132.)

| INCIN | NA | INCIN |
|-----------------------------|------------|-------|
| All F024 wastes | | |
| 2-Chloro-1,3-butadiene | 126-99-8 | 0.057 |
| 3-Chloropropylene | 107-05-1 | 0.036 |
| 1,1-Dichloroethane | 75-34-3 | 0.059 |
| 1,2-Dichloroethane | 107-06-2 | 0.21 |
| 1,2-Dichloropropane | 78-87-5 | 0.85 |
| cis-1,3-Dichloropropylene | 10061-01-5 | 0.036 |
| trans-1,3-Dichloropropylene | 10061-02-6 | 0.036 |
| bis(2-Ethylhexyl) phthalate | 117-81-7 | 0.28 |
| Hexachloroethane | 67-72-1 | 0.055 |
| Chromium (Total) | 7440-47-3 | 2.77 |
| Nickel | 7440-02-0 | 3.98 |

F025

Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution.

F025 - Light Ends Subcategory

| | | | |
|-----------------------|----------|-------|-----|
| Carbon tetrachloride | 56-23-6 | 0.057 | 6.0 |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| 1,2-Dichloroethane | 107-06-2 | 0.21 | 6.0 |
| 1,1-Dichloroethylene | 75-35-4 | 0.025 | 6.0 |
| Methylene chloride | 75-9-2 | 0.089 | 30 |
| 1,1,2-Trichloroethane | 79-00-5 | 0.054 | 6.0 |
| Trichloroethylene | 79-01-6 | 0.054 | 6.0 |
| Vinyl chloride | 75-01-4 | 0.27 | 6.0 |

F025

Spent filters and filter aids, and spent desiccant wastes from the production

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution.

| | | | |
|---|----------|-------|-----|
| F025 - Spent Filters or Aids and Desiccants Subcategory | | | |
| Carbon tetrachloride | 56-23-5 | 0.067 | 6.0 |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| Hexachlorobenzene | 118-74-1 | 0.055 | 10 |
| Hexachlorobutadiene | 87-68-3 | 0.055 | 5.6 |
| Hexachloroethane | 67-72-1 | 0.055 | 30 |
| Methylene chloride | 75-9-2 | 0.089 | 30 |
| 1,1,2-Trichloroethane | 79-00-5 | 0.054 | 6.0 |
| Trichloroethylene | 79-01-6 | 0.054 | 6.0 |
| Vinyl chloride | 75-01-4 | 0.27 | 6.0 |

F037

Petroleum refinery primary oil/water/solids separation sludge-Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.

| | | | |
|---|-----------|-------|-----|
| Acenaphthene | 83-32-9 | 0.059 | NA |
| Anthracene | 120-12-7 | 0.059 | 3.4 |
| Benzene | 71-43-2 | 0.14 | 10 |
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| bis(2-Ethylhexyl) phthalate | 117-81-7 | 0.28 | 28 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| Di-n-butyl phthalate | 84-74-2 | 0.057 | 28 |
| Ethylbenzene | 100-41-4 | 0.057 | 10 |
| Fluorene | 86-73-7 | 0.059 | NA |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Pyrene | 129-00-0 | 0.067 | 8.2 |
| Toluene | 108-88-3 | 0.080 | 10 |
| Xylenes-mixed isomers (sum of o-, m-, and p-) | 1330-20-7 | 0.032 | 30 |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|------------------------|-----------|------|----------------|
| xylene concentrations) | | | |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Cyanides (Total) | 57-12-5 | 1.2 | 590 |
| Lead | 7439-92-1 | 0.69 | NA |
| Nickel | 7440-02-0 | NA | 5.0 mg/l TCLP |

F038

Petroleum refinery secondary (emulsified) oil/water/solids separation sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological units) and F037, F048, and F051 are not included in this list.

| | | | |
|--|-----------|-------|----------------|
| Benzene | 71-43-2 | 0.14 | 10 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| bis(2-Ethylhexyl) phthalate | 117-81-7 | 0.28 | 28 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| Di-n-butyl phthalate | 84-74-2 | 0.057 | 28 |
| Ethylbenzene | 100-41-4 | 0.057 | 10 |
| Fluorene | 86-73-7 | 0.059 | NA |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Pvrene | 129-00-0 | 0.067 | 8.2 |
| Toluene | 108-88-3 | 0.080 | 10 |
| Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations) | 1330-20-7 | 0.32 | 30 |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Cyanides (Total)(7) | 57-12-5 | 1.2 | 590 |
| Lead | 7439-92-1 | 0.69 | NA |
| Nickel | 7440-02-0 | NA | 5.0 mg/l TCLP |

F133

Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under 728.Subpart D. (leachate resulting from the disposal of one or more of the following U.S. EPA hazardous wastes and no other hazardous wastes retains its U.S. EPA hazardous waste numbers: F020, F021, F022, F026, F027, or F028.

| | | | |
|----------------|----------|-------|-----|
| Acenaphthylene | 218-26-8 | 0.059 | 3.4 |
|----------------|----------|-------|-----|

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|--|----------|---------|-------|
| Acenaphthene | 83-32-9 | 0.059 | 3.4 |
| Acetone | 67-64-1 | 0.28 | 160 |
| Acetonitrile | 75-05-8 | 5.6 | NA |
| Acetophenone | 96-86-2 | 0.010 | 9.7 |
| 2-Acetylaminofluorene | 53-96-3 | 0.059 | 140 |
| Acrolein | 107-02-8 | 0.29 | NA |
| Acrylonitrile | 107-13-1 | 0.24 | 84 |
| Aldrin | 309-00-2 | 0.021 | 0.066 |
| 4-Aminobiphenyl | 92-67-1 | 0.13 | NA |
| Aniline | 62-53-3 | 0.81 | 14 |
| Anthracene | 120-12-7 | 0.059 | 3.4 |
| Aramite | 140-57-8 | 0.36 | NA |
| alpha-BHC | 319-84-6 | 0.0014 | 0.066 |
| beta-BHC | 319-85-7 | 0.00014 | 0.066 |
| delta-BHC | 319-86-9 | 0.023 | 0.066 |
| gamma-BHC | 58-89-9 | 0.0017 | 0.066 |
| Benzene | 71-43-2 | 0.14 | 10 |
| Bena(a)anthracene | 56-55-3 | 0.059 | 3.4 |
| Benzo(b)fluoranthene (difficult to distinguish from benzo-(k)fluoranthene) | 205-99-2 | 0.11 | 6.8 |
| Benzo(k)fluoranthene (difficult to distinguish from benzo-(b)fluoranthene) | 207-08-9 | 0.11 | 6.8 |
| Benzo(g,h,i)perylene | 191-24-2 | 0.0055 | 1.8 |
| Benzo(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| Bromodichloromethane | 75-27-4 | 0.35 | 15 |
| Methyl bromide (Bromo-methane) | 74-83-9 | 0.11 | 15 |
| 4-Bromophenyl phenyl ether | 101-55-3 | 0.055 | 15 |
| n-Butyl alcohol | 71-36-3 | 5.6 | 2.6 |
| Butyl benzyl phthalate | 85-68-7 | 0.017 | 28 |
| 2-sec-Butyl-4,6-dinitrophenol (Dinoseb) | 88-85-7 | 0.066 | 2.5 |
| Carbon disulfide | 75-15-0 | 3.8 | NA |
| Carbon tetrachloride | 56-23-5 | 0.057 | 6.0 |
| Chlordane (alpha and gamma isomers) | 57-74-9 | 0.0033 | 0.26 |
| p-Chloroaniline | 106-47-8 | 0.16 | 16 |
| Chlorobenzene | 108-90-7 | 0.057 | 6.0 |
| Chlorobenzilate | 510-15-6 | 0.10 | NA |
| 2-Chloro-1,3-butadiene | 126-99-8 | 0.057 | NA |
| Chlorodibromomethane | 124-48-1 | 0.057 | 15 |
| Chloroethane | 75-00-3 | 0.27 | 6.0 |
| bis(2-Chloroethoxy)- | 111-91-1 | 0.036 | 7.2 |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|--|-----------|--------|-------|
| methane | | | |
| bis(2-Chloroethyl)ether | 111-44-4 | 0.033 | 6.0 |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| bis(2-Chloroisopropyl)-ether | 108-60-1 | 0.055 | 7.2 |
| p-Chloro-m-cresol | 59-50-7 | 0.018 | 14 |
| Chloromethane (Methyl chloride) | 74-87-3 | 0.19 | 30 |
| 2-Chloronaphthalene | 91-58-7 | 0.055 | 5.6 |
| 2-Chlorophenol | 95-57-8 | 0.044 | 5.7 |
| 3-Chloropropylene | 107-05-1 | 0.036 | 30 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| o-Cresol | 95-48-7 | 0.11 | 5.6 |
| m-Cresol | 108-39-4 | 0.77 | 5.6 |
| (difficult to distinguish from p-cresol) | | | |
| p-Cresol | 106-44-5 | 0.77 | 5.6 |
| (difficult to distinguish from m-cresol) | | | |
| Cyclohexanone | 108-94-1 | 0.36 | NA |
| 1,2-Dibromo-3-chloro-propane | 96-12-8 | 0.11 | 15 |
| Ethylene dibromide (1,2-Dibromoethane) | 106-93-4 | 0.028 | 15 |
| Dibromomethane | 74-95-3 | 0.11 | 15 |
| 2,4-D (2,4-Dichlorophenoxyacetic acid) | 94-75-7 | 0.72 | 10 |
| o,p'-DDD | 53-19-0 | 0.023 | 0.087 |
| p,p'-DDD | 72-54-8 | 0.023 | 0.087 |
| o,p'-DDE | 3424-82-6 | 0.031 | 0.087 |
| p,p'-DDE | 72-55-9 | 0.031 | 0.087 |
| o,p'-DDT | 789-02-6 | 0.0039 | 0.087 |
| p,p'-DDT | 50-29-3 | 0.0039 | 0.087 |
| Dibenz(a,h)anthracene | 53-70-3 | 0.055 | 8.2 |
| Dibenz(a,e)pyrene | 192-65-4 | 0.061 | NA |
| m-Dichlorobenzene | 541-73-1 | 0.036 | 6.0 |
| o-Dichlorobenzene | 95-50-1 | 0.088 | 6.0 |
| p-Dichlorobenzene | 106-46-7 | 0.090 | 6.0 |
| Dichlorodifluoromethane | 75-71-8 | 0.23 | 7.2 |
| 1,1-Dichloroethane | 75-34-3 | 0.059 | 6.0 |
| 1,2-Dichloroethane | 107-06-2 | 0.21 | 6.0 |
| 1,1-Dichloroethylene | 75-35-4 | 0.025 | 6.0 |
| trans-1,2-Dichloroethylene | 156-60-5 | 0.054 | 30 |
| ethylene | | | |
| 2,4-Dichlorophenol | 120-83-2 | 0.044 | 14 |
| 2,6-Dichlorophenol | 87-65-0 | 0.044 | 14 |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|---|------------|--------|-------|
| 1,2-Dichloropropane | 78-87-5 | 0.85 | 18 |
| cis-1,3-Dichloropropylene | 10061-01-5 | 0.036 | 18 |
| trans-1,3-Dichloropropylene | 10061-02-6 | 0.036 | 18 |
| Dieldrin | 60-57-1 | 0.017 | 0.13 |
| Diethyl phthalate | 84-66-2 | 0.20 | 28 |
| 2,4-Dimethyl phenol | 105-67-9 | 0.036 | 14 |
| Dimethyl phthalate | 131-11-3 | 0.047 | 28 |
| Di-n-butyl phthalate | 84-74-2 | 0.057 | 28 |
| 1,4-Dinitrobenzene | 100-25-4 | 0.32 | 2.3 |
| 4,6-Dinitro-o-cresol | 534-52-1 | 0.28 | 160 |
| 2,4-Dinitrophenol | 51-28-5 | 0.12 | 160 |
| 2,4-Dinitrotoluene | 121-14-2 | 0.32 | 140 |
| 2,6-Dinitrotoluene | 606-20-2 | 0.55 | 28 |
| Di-n-octyl phthalate | 117-84-0 | 0.017 | 28 |
| Di-n-propylnitrosamine | 621-64-7 | 0.40 | 14 |
| 1,4-Dioxane | 123-91-1 | NA | 170 |
| Diphenylamine (difficult to distinguish from diphenylnitrosamine) | 122-39-4 | 0.92 | NA |
| Diphenylnitrosamine | | | |
| (difficult to distinguish from diphenylamine) | 86-30-6 | 0.92 | NA |
| 1,2-Diphenylhydrazine | 122-66-7 | 0.087 | NA |
| Disulfoton | 298-04-4 | 0.017 | 6.2 |
| Endosulfan I | 939-98-8 | 0.023 | 0.066 |
| Endosulfan II | 33213-6-5 | 0.029 | 0.13 |
| Endosulfan sulfate | 1-31-07-8 | 0.029 | 0.13 |
| Endrin | 72-20-8 | 0.0028 | 0.13 |
| Endrin aldehyde | 7421-93-4 | 0.025 | 0.13 |
| Ethyl acetate | 141-78-6 | 0.34 | 33 |
| Ethyl cyanide (Propanenitrile) | 107-12-0 | 0.24 | 360 |
| Ethyl benzene | 100-41-4 | 0.057 | 10 |
| Ethyl ether | 60-29-7 | 0.12 | 160 |
| bis(2-Ethylhexyl) phthalate | 117-81-7 | 0.28 | 28 |
| Ethyl methacrylate | 97-63-2 | 0.14 | 160 |
| Ethylene oxide | 75-21-8 | 0.12 | NA |
| Famphur | 52-85-7 | 0.017 | 15 |
| Fluoranthene | 206-44-0 | 0.068 | 3.4 |
| Fluorene | 86-73-7 | 0.059 | 3.4 |
| Heptachlor | 76-44-8 | 0.0012 | 0.066 |
| Heptachlor epoxide | 1024-57-3 | 0.016 | 0.066 |
| Hexachlorobenzene | 118-74-1 | 0.055 | 10 |
| Hexachlor butadiene | 87-68-3 | 0.055 | 5.6 |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | | | | | |
|--|------------|--------|-------|---|------------|----------|-------|
| Hexachlorocyclopenta- diene | 77-47-4 | 0.057 | 2.4 | PCDDs (All Hexachloro- dibenzodioxins) | NA | 0.000063 | 0.001 |
| Hexachloroethane | 67-72-1 | 0.055 | 30 | PCDFs (All Pentachloro- dibenzofurans) | NA | 0.000035 | 0.001 |
| Hexachloropropylene | 1888-71-7 | 0.035 | 30 | Pentachlorophenol | 82-68-8 | 0.055 | 4.8 |
| Indeno (1,2,3-c,d) | 193-39-5 | 0.0055 | 3.4 | Phenacetin | 87-86-5 | 0.089 | 7.4 |
| pyrene | 74-88-4 | 0.19 | 65 | Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Iodomethane | 78-83-1 | 5.6 | 170 | Phenol | 108-95-2 | 0.039 | 6.2 |
| Isobutyl alcohol | 465-73-6 | 0.021 | 0.066 | Phorate | 298-02-2 | 0.021 | 4.6 |
| Isodrin | 120-58-1 | 0.081 | 2.6 | Phthalic anhydride | 85-44-9 | 0.055 | NA |
| Isosafrole | 143-50-8 | 0.0011 | 0.13 | Pronamide | 23950-58-5 | 0.093 | 1.5 |
| Kepone | 126-98-7 | 0.24 | 84 | Pyrene | 129-00-0 | 0.067 | 8.2 |
| Methacrylonitrile | 67-56-1 | 5.6 | NA | Pyridine | 110-86-1 | 0.014 | 16 |
| Methanol | 91-80-5 | 0.081 | 1.5 | Safrole | 94-59-7 | 0.081 | 22 |
| Methapyrilene | 72-43-5 | 0.25 | 0.18 | Silvex (2,4,5-TP) | 93-72-1 | 0.72 | 7.9 |
| Methoxychlor | 56-49-5 | 0.0055 | 15 | 2,4,5-T | 93-76-5 | 0.72 | 7.9 |
| 3-Methylcholanthrene | 101-14-4 | 0.50 | 30 | 1,2,4,5-Tetrachloro- benzene | 95-94-3 | 0.05 | 14 |
| 4,4-Methylene bis(2- chloroaniline) | 75-09-2 | 0.089 | 30 | TCDDs (All Tetrachloro- dibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| Methylene chloride | 78-93-3 | 0.28 | 36 | TCDFs (All Tetrachloro- dibenzofurans) | NA | 0.000063 | 0.001 |
| Methyl ethyl ketone | 108-10-1 | 0.14 | 33 | 1,1,1,2-Tetrachloro- ethane | 630-20-6 | 0.057 | 6.0 |
| Methyl isobutyl ketone | 80-62-6 | 0.14 | 160 | 1,1,2,2-Tetrachloro- ethane | 79-34-6 | 0.057 | 6.0 |
| Methyl methacrylate | 66-27-3 | 0.018 | NA | Tetrachloroethylene | 27-18-1 | 0.056 | 6.0 |
| Methyl methanesulfonate | 298-00-0 | 0.014 | 4.6 | 2,3,4,6-Tetrachloro- phenol | 58-90-2 | 0.030 | 7.4 |
| Methyl parathion | 91-20-3 | 0.059 | 5.6 | Toluene | 108-88-3 | 0.080 | 10 |
| Naphthalene | 91-59-8 | 0.52 | NA | Toxaphene | 8001-35-2 | 0.0095 | 2.6 |
| 2-Naphthylamine | 100-01-6 | 0.028 | 28 | Bromoform (Tribromo- methane) | 75-25-2 | 0.63 | 15 |
| D-Nitroaniline | 98-95-3 | 0.068 | 14 | 1,2,4-Trichlorobenzene | 120-82-1 | 0.055 | 19 |
| Nitrobenzene | 99-55-8 | 0.32 | 28 | 1,1,1-Trichloroethane | 71-55-6 | 0.054 | 6.0 |
| 5-Nitro-o-toluidine | 100-02-7 | 0.12 | 29 | 1,1,2-Trichloroethane | 79-00-5 | 0.054 | 6.0 |
| D-Nitrophenol | 55-18-5 | 0.40 | 28 | Trichloroethylene | 79-01-6 | 0.054 | 6.0 |
| N-Nitrosodietaniline | 62-75-9 | 0.40 | 17 | Trichloromono-fluoro- methane | 75-69-4 | 0.020 | 30 |
| N-Nitrosodimethylamine | 924-16-3 | 0.40 | 2.3 | 2,4,5-Trichlorophenol | 95-95-4 | 0.18 | 7.4 |
| N-Nitroso-di-n-butyl- amine | 10595-95-6 | 0.40 | 2.3 | 2,4,6-Trichlorophenol | 88-06-2 | 0.035 | 7.4 |
| N-Nitrosomethyllethyl- amine | 59-89-2 | 0.40 | 35 | 1,2,3-Trichloropropane | 96-18-4 | 0.85 | 30 |
| N-Nitrosomorpholine | 100-75-4 | 0.013 | 35 | 1,1,2-Trichloro-1,2,2- trifluoroethane | 76-13-1 | 0.057 | 30 |
| N-Nitrosopiperidine | 930-55-2 | 0.013 | 4.6 | tris(2,3-Dibromopropyl) phosphate | 126-72-7 | 0.11 | NA |
| N-Nitrosopyrrolidine | 56-38-2 | 0.014 | 10 | Vinyl chloride | 75-01-4 | 0.27 | 6.0 |
| Parathion | 1336-36-3 | 0.10 | 10 | | | | |
| Total PCBs | | | | | | | |
| (sum of all PCB isomers, or all Aroclors) | | | | | | | |
| Pentachlorobenzene | 608-93-5 | 0.055 | 10 | | | | |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|---|------------|----------|-------|
| PCDDs (All Pentachloro- dibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| PCDFs (All Pentachloro- dibenzofurans) | NA | 0.000035 | 0.001 |
| Pentachloronitrobenzene | 82-68-8 | 0.055 | 4.8 |
| Pentachlorophenol | 87-86-5 | 0.089 | 7.4 |
| Phenacetin | 62-44-2 | 0.081 | 16 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Phorate | 298-02-2 | 0.021 | 4.6 |
| Phthalic anhydride | 85-44-9 | 0.055 | NA |
| Pronamide | 23950-58-5 | 0.093 | 1.5 |
| Pyrene | 129-00-0 | 0.067 | 8.2 |
| Pyridine | 110-86-1 | 0.014 | 16 |
| Safrole | 94-59-7 | 0.081 | 22 |
| Silvex (2,4,5-TP) | 93-72-1 | 0.72 | 7.9 |
| 2,4,5-T | 93-76-5 | 0.72 | 7.9 |
| 1,2,4,5-Tetrachloro- benzene | 95-94-3 | 0.05 | 14 |
| TCDDs (All Tetrachloro- dibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| TCDFs (All Tetrachloro- dibenzofurans) | NA | 0.000063 | 0.001 |
| 1,1,1,2-Tetrachloro- ethane | 630-20-6 | 0.057 | 6.0 |
| 1,1,2,2-Tetrachloro- ethane | 79-34-6 | 0.057 | 6.0 |
| Tetrachloroethylene | 27-18-1 | 0.056 | 6.0 |
| 2,3,4,6-Tetrachloro- phenol | 58-90-2 | 0.030 | 7.4 |
| Toluene | 108-88-3 | 0.080 | 10 |
| Toxaphene | 8001-35-2 | 0.0095 | 2.6 |
| Bromoform (Tribromo- methane) | 75-25-2 | 0.63 | 15 |
| 1,2,4-Trichlorobenzene | 120-82-1 | 0.055 | 19 |
| 1,1,1-Trichloroethane | 71-55-6 | 0.054 | 6.0 |
| 1,1,2-Trichloroethane | 79-00-5 | 0.054 | 6.0 |
| Trichloroethylene | 79-01-6 | 0.054 | 6.0 |
| Trichloromono-fluoro- methane | 75-69-4 | 0.020 | 30 |
| 2,4,5-Trichlorophenol | 95-95-4 | 0.18 | 7.4 |
| 2,4,6-Trichlorophenol | 88-06-2 | 0.035 | 7.4 |
| 1,2,3-Trichloropropane | 96-18-4 | 0.85 | 30 |
| 1,1,2-Trichloro-1,2,2- trifluoroethane | 76-13-1 | 0.057 | 30 |
| tris(2,3-Dibromopropyl) phosphate | 126-72-7 | 0.11 | NA |
| Vinyl chloride | 75-01-4 | 0.27 | 6.0 |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|---|------------|------|--------------------|
| Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations) | 1330-20-7 | 0.32 | 30 |
| Antimony | 7440-36-0 | 1.9 | 2.1 mg/l TCLP |
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/l TCLP |
| Barium | 7440-39-3 | 1.2 | 7.6 mg/l TCLP |
| Beryllium | 7440-41-7 | 0.82 | NA |
| Cadmium | 7440-43-9 | 0.69 | 0.19 mg/l TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Cyanides (Total)(7) | 57-12-5 | 1.2 | 590 |
| Cyanides (Amenable)(7) | 57-12-5 | 0.86 | NA |
| Fluoride | 16964-48-8 | 35 | NA |
| Lead | 7439-92-1 | 0.69 | 0.37 mg/l TCLP |
| Mercury | 7439-97-6 | 0.15 | 0.025 mg/l TCLP |
| Nickel | 7440-02-0 | 3.98 | 5.0 mg/l TCLP |
| Selenium | 7782-49-2 | 0.82 | 0.16 mg/l TCLP |
| Silver | 7440-22-4 | 0.43 | 0.30 mg/l TCLP |
| Sulfide | 8496-25-8 | 1.4 | NA |
| Thallium | 7440-28-0 | 1.4 | NA |
| Vanadium | 7440-62-2 | 4.3 | NA |

K001

Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.

| | | | |
|---|-----------|-------|-----|
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Pentachlorophenol | 87-86-5 | 0.089 | 7.4 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Pyrene | 129-00-0 | 0.067 | 8.2 |
| Toluene | 108-88-3 | 0.080 | 10 |
| Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations) | 1330-20-7 | 0.32 | 30 |

| | | | |
|------|-----------|------|----------------|
| Lead | 7439-92-1 | 0.69 | 0.37 mg/l TCLP |
|------|-----------|------|----------------|

K002

Wastewater treatment sludge from the production of chrome yellow and orange pigments.

| | | | |
|------------------|-----------|------|----------------|
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Lead | 7439-92-1 | 0.69 | 0.37 mg/l TCLP |

K003

Wastewater treatment sludge from the production of molybdate orange pigments.

| | | | |
|------------------|-----------|------|----------------|
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Lead | 7439-92-1 | 0.69 | 0.37 mg/l TCLP |

K004

Wastewater treatment sludge from the production of zinc yellow pigments.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|---|-----------|-------|----------------|
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Lead | 7439-92-1 | 0.69 | 0.37 mg/l TCLP |
| K005 | | | |
| Wastewater treatment sludge from the production of chrome green pigments. | | | |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Lead | 7439-92-1 | 0.69 | 0.37 mg/l TCLP |
| Cyanides (Total)(7) | 57-12-5 | 1.2 | 590 |
| K006 | | | |
| Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous). | | | |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Lead | 7439-92-1 | 0.69 | 0.37 mg/l TCLP |
| K006 | | | |
| Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated). | | | |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Lead | 7439-92-1 | 0.69 | NA |
| K007 | | | |
| Wastewater treatment sludge from the production of iron blue pigments. | | | |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Lead | 7439-92-1 | 0.69 | NA |
| Cyanides (Total)(7) | 57-12-5 | 1.2 | 590 |
| K008 | | | |
| Oven residue from the production of chrome oxide green pigments. | | | |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Lead | 7439-92-1 | 0.69 | 0.37 mg/l TCLP |
| K009 | | | |
| Distillation bottoms from the production of acetaldehyde from ethylene. | | | |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| K010 | | | |
| Distillation side cuts from the production of acetaldehyde from ethylene. | | | |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| K011 | | | |
| Bottom stream from the wastewater stripper in the production of acrylonitrile. | | | |
| Acetonitrile | 75-05-8 | 5.6 | 18 |
| Acrylonitrile | 107-13-1 | 0.24 | 84 |
| Acrylamide | 79-06-1 | 19 | 23 |
| Benzene | 71-43-2 | 0.14 | 10 |
| Cyandide (Total) | 57-12-5 | 1.2 | 590 |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Distillation bottom tars form the production of phenol or acetone from cumene.

| | | | |
|---|-----------|-------|----------------|
| Toluene | 108-88-3 | 0.080 | 10 |
| Acetophenone | 96-86-2 | 0.010 | 9.7 |
| Diphenylamine | 122-39-4 | 0.92 | 13 |
| (difficult to distinguish from diphenylnitrosamine) | | | |
| Diphenylnitrosamine | 86-30-6 | 0.92 | 13 |
| (difficult to distinguish from diphenylamine) | | | |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Nickel | 7440-02-0 | 0.98 | 5.0 mg/l TCLP |

K023

Distillation light ends from the production of phthalic anhydride from naphthalene.

| | | | |
|---|----------|-------|----|
| Phthalic anhydride (measured as Phthalic acid or Terephthalic acid) | 100-21-0 | 0.055 | 28 |
| Phthalic anhydride | 85-44-9 | 0.055 | 28 |

K024

Distillation bottoms from the production of phthalic anhydride from naphthalene.

| | | | |
|---|----------|-------|----|
| Phthalic anhydride (measured as Phthalic acid or Terephthalic acid) | 100-21-0 | 0.055 | 28 |
| Phthalic anhydride | 85-44-9 | 0.055 | 28 |

K025

Distillation bottoms from the production of nitrobenzene by the nitration of benzene.

| | | | |
|----|----|---|-------|
| NA | NA | LLEXT fb SSTRP fb CARBN; or INCIN | INCIN |
|----|----|---|-------|

K026

Stripping still tails from the production of methyl ethyl pyridines.

| | | | |
|----|----|-------|-------|
| NA | NA | INCIN | INCIN |
|----|----|-------|-------|

K027

Centrifuge and distillation residues from the toluene diisocyanate production.

| | | | |
|----|----|--------------------|-------|
| NA | NA | CARBN; or INCIN | CMBST |
|----|----|--------------------|-------|

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K028

Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.

| | | | |
|---------------------------|-----------|-------|----------------|
| 1,1-Dichloroethane | 76-34-3 | 0.059 | 6.0 |
| trans-1,2-Dichloroethane | 156-60-5 | 0.054 | 30 |
| ethylene | | | |
| Hexachlorobutadiene | 87-88-3 | 0.055 | 5.6 |
| Hexachloroethane | 67-72-1 | 0.055 | 30 |
| Pentachloroethane | 76-01-7 | NA | 6.0 |
| 1,1,1,2-Tetrachloroethane | 630-20-6 | 0.057 | 6.0 |
| ethane | | | |
| 1,1,2,2-Tetrachloroethane | 79-34-6 | 0.057 | 6.0 |
| Tetrachloroethylene | 127-18-4 | 0.056 | 6.0 |
| 1,1,1-Trichloroethane | 71-55-6 | 0.054 | 6.0 |
| 1,1,2-Trichloroethane | 79-00-5 | 0.054 | 6.0 |
| Cadmium | 7440-43-9 | 0.69 | NA |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Lead | 7439-92-1 | 0.69 | 0.37 mg/l TCLP |
| Nickel | 7440-02-0 | 3.98 | 5.0 mg/l TCLP |

K029

Waste from the product steam stripper in the production of

| | | | |
|------------------------|----------|-------|-----|
| 1,1,1-trichloroethane. | | | |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| 1,2-Dichloroethane | 107-06-2 | 0.21 | 6.0 |
| 1,1-Dichloroethylene | 75-35-4 | 0.025 | 6.0 |
| 1,1,1-Trichloroethane | 71-55-6 | 0.054 | 6.0 |
| Vinyl chloride | 75-01-4 | 0.27 | 6.0 |

K030

Column bodies or heavy ends from the combined production of trichloroethylene

| | | | |
|----------------------------|-----------|-------|-----|
| and perchloroethylene. | | | |
| o-Dichlorobenzene | 95-50-1 | 0.088 | NA |
| p-Dichlorobenzene | 106-46-7 | 0.090 | NA |
| Hexachlorobutadiene | 87-68-3 | 0.055 | 5.6 |
| Hexachloroethane | 67-72-1 | 0.055 | 30 |
| exachloropropylene | 1888-71-7 | NA | 30 |
| entachlorobenzene | 608-93-5 | NA | 10 |
| entachloroethane | 76-01-7 | NA | 6.0 |
| 1,2,4,5-Tetrachlorobenzene | 95-94-3 | 0.055 | 14 |
| etrachloroethylene | 127-18-4 | 0.056 | 6.0 |
| 1,2,4-Trichlorobenzene | 120-82-1 | 0.055 | 19 |

K031

By-product salts generated in the production of MSMA and cacodylic acid.

| | | | |
|---------|-----------|-----|---------------|
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/l TCLP |
|---------|-----------|-----|---------------|

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | |
|--|-----------|--------|
| K032 | | |
| Wastewater treatment sludge from the production of chlordane. | | |
| Hexachlorocyclopenta- diene | 77-48-4 | 0.057 |
| Chlordane (alph and gamma isomers) | 57-74-9 | 0.0033 |
| Heptachlor | 76-44-8 | 0.0012 |
| Heptachlor epoxide | 1024-57-3 | 0.016 |
| K033 | | |
| Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane. | | |
| Hexachlorocyclopenta- diene | 77-47-4 | 0.057 |
| K034 | | |
| Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane. | | |
| Hexachlorocyclopenta- diene | 77-47-4 | 0.057 |
| K035 | | |
| Wastewater treatment sludges generated in the production of creosote. | | |
| Acenaphthene | 83-32-9 | NA |
| Anthracene | 120-12-7 | NA |
| Benz(a)anthracene | 56-55-3 | 0.061 |
| Benzo(a)pyrene | 50-32-8 | 0.061 |
| Chrysene | 218-01-9 | 0.059 |
| o-Cresol | 95-48-7 | 0.11 |
| m-Cresol | 108-39-4 | 0.77 |
| (difficult to distinguish from p- cresol) | | |
| p-Cresol | 106-44-5 | 0.77 |
| (difficult to distinguish from m- cresol) | | |
| Dibenz(a,h)anthracene | 53-70-3 | NA |
| Fluoranthene | 206-44-0 | 0.068 |
| Fluorene | 86-73-7 | NA |
| Indeno(1,2,3-cd)pyrene | 193-39-5 | NA |
| Naphthalene | 91-20-3 | 0.059 |
| Phenanthrene | 85-01-8 | 0.059 |
| Phenol | 108-95-2 | 0.039 |
| Pyrene | 129-00-0 | 0.067 |
| K036 | | |
| Still bottoms from toluene reclamation distillation in the production of dibenzop-dioxins) | | |
| 2,6-Dichlorophenol | 53-70-3 | 8.2 |
| 2,4-Dichlorophenol | 206-44-0 | 3.4 |
| 2,6-Dichlorophenol | 86-73-7 | 3.4 |
| 2,4,5-Trichlorophenol | 193-39-5 | 3.4 |
| 2,4,6-Trichlorophenol | 91-20-3 | 5.6 |
| 2,3,4,6-Tetrachloro- phenol | 85-01-8 | 5.6 |
| Pentachlorophenol | 108-95-2 | 6.2 |
| Tetrachloroethylene | 129-00-0 | 8.2 |
| HxCDDs (All Hexachloro- dibenzop-dioxins) | | |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | |
|--|-----------|---------------------|
| disulfoton. | | |
| Disulfoton | 298-04-4 | 0.017 |
| K037 | | |
| Wastewater treatment sludges from the production of disulfoton. | | |
| Disulfoton | 298-04-4 | 0.017 |
| Toluene | 108-88-3 | 0.080 |
| K038 | | |
| Wastewater from the washing and stripping of phosphate production. | | |
| Phosphate | 298-02-2 | 0.021 |
| K039 | | |
| Filter cake from the filtration of diethylphosphorodithioic acid in the production of phosphate. | | |
| NA | NA | CARBEN; or INCIN |
| K040 | | |
| Wastewater treatment sludge from the production of phosphate. | | |
| Phosphate | 298-02-2 | 0.021 |
| K041 | | |
| Wastewater treatment sludge from the production of toxaphene. | | |
| Toxaphene | 8001-35-2 | 0.0095 |
| K042 | | |
| Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T. | | |
| o-Dichlorobenzene | 95-50-1 | 0.088 |
| p-Dichlorobenzene | 106-46-7 | 0.090 |
| Pentachlorobenzene | 608-93-5 | 0.055 |
| 1,2,4,5-Tetrachloro- benzene | 95-94-3 | 0.055 |
| 1,2,4-Trichlorobenzene | 120-82-1 | 0.055 |
| K043 | | |
| 2,6-Dichlorophenol waste from the production of 2,4-D. | | |
| 2,4-Dichlorophenol | 120-83-2 | 0.044 |
| 2,6-Dichlorophenol | 187-65-0 | 0.044 |
| 2,4,5-Trichlorophenol | 95-95-4 | 0.18 |
| 2,4,6-Trichlorophenol | 88-06-2 | 0.035 |
| 2,3,4,6-Tetrachloro- phenol | 58-90-2 | 0.030 |
| Pentachlorophenol | 87-86-5 | 0.089 |
| Tetrachloroethylene | 127-18-4 | 0.056 |
| HxCDDs (All Hexachloro- dibenzop-dioxins) | NA | 0.000063 |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|--|-----------|----------|----------------|
| HxCDFs (all Hexachloro-dibenzofurans) | NA | 0.000063 | 0.001 |
| PeCDDs (All Pentachloro-dibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| PeCDFs (All Pentachloro-dibenzofurans) | NA | 0.000035 | 0.001 |
| TCDDs (All Tetrachloro-dibenzo-p-dioxins) | NA | 0.00063 | 0.001 |
| TCDFs (All Tetrachloro-dibenzofurans) | NA | 0.00063 | 0.001 |
| K044 Wastewater treatment sludges from the manufacturing and processing of explosives. | NA | DEACT | DEACT |
| K045 Spent carbon from the treatment of wastewater containing explosives. | NA | DEACT | DEACT |
| K046 Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds. | 7439-92-1 | 0.69 | 0.37 mg/l TCLP |
| K047 Pink or red water from TNT operations. | NA | DEACT | DEACT |
| K048 Dissolved air flotation (DAF) float from the petroleum refining industry. | 71-43-2 | 0.14 | 10 |
| Benzene | 50-32-8 | 0.61 | 3.4 |
| Benzo(a)pyrene | 117-81-7 | 0.28 | 28 |
| bis(2-Ethylhexyl) phthalate | 218-01-9 | 0.059 | 3.4 |
| Chrysene | 84-74-2 | 0.057 | 28 |
| Ethylbenzene | 100-41-4 | 0.057 | 10 |
| Fluorene | 86-73-7 | 0.059 | NA |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Pyrene | 129-00-0 | 0.067 | 8.2 |
| Toluene | 108-88-3 | 0.080 | 10 |
| Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations) | 1330-20-7 | 0.32 | 30 |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|---|-----------|-------|----------------|
| Cyanides (Total)(7) | 57-12-5 | 1.2 | 590 |
| Lead | 7439-92-1 | 0.69 | NA |
| Nickel | 7440-02-0 | NA | 5.0 mg/l TCLP |
| K049 Slop oil emulsion solids from the petroleum refining industry. | 120-12-7 | 0.059 | 3.4 |
| Anthracene | 71-43-2 | 0.14 | 10 |
| Benzene | 50-32-8 | 0.061 | 3.4 |
| Benzo(a)pyrene | 117-81-7 | 0.28 | 28 |
| bis(2-Ethylhexyl) phthalate | 75-15-0 | 3.8 | NA |
| Carbon disulfide | 2218-01-9 | 0.059 | 3.4 |
| Chrysene | 105-67-9 | 0.036 | NA |
| 2,4-Dimethylphenol | 100-41-4 | 0.057 | 10 |
| Ethylbenzene | 91-20-3 | 0.059 | 5.6 |
| Naphthalene | 85-01-8 | 0.059 | 5.6 |
| Phenanthrene | 108-95-2 | 0.039 | 6.2 |
| Phenol | 129-00-0 | 0.067 | 8.2 |
| Pyrene | 108-88-3 | 0.080 | 10 |
| Toluene | 1330-20-7 | 0.32 | 30 |
| Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations) | 57-12-5 | 1.2 | 590 |
| Cyanides (Total)(7) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Chromium (Total) | 7439-92-1 | 0.69 | NA |
| Lead | 7440-02-0 | NA | 5.0 mg/l TCLP |
| Nickel | 7440-02-0 | NA | 5.0 mg/l TCLP |
| K050 Heat exchanger bundle cleaning sludge from the petroleum refining industry. | 50-32-8 | 0.061 | 3.4 |
| Benzo(a)pyrene | 108-95-2 | 0.039 | 6.2 |
| Phenol | 57-12-5 | 1.2 | 590 |
| Cyanides (Total)(7) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Chromium (Total) | 7439-92-1 | 0.69 | NA |
| Lead | 7440-02-0 | NA | 5.0 mg/l TCLP |
| Nickel | 7440-02-0 | NA | 5.0 mg/l TCLP |
| K051 API separator sludge from the petroleum refining industry. | 83-32-9 | 0.059 | NA |
| Acenaphthene | 120-12-7 | 0.059 | 3.4 |
| Anthracene | 56-55-3 | 0.059 | 3.4 |
| Benzo(a)anthracene | 71-43-2 | 0.14 | 10 |
| Benzene | 50-32-8 | 0.061 | 3.4 |
| Benzo(a)pyrene | 117-81-7 | 0.28 | 28 |
| bis(2-Ethylhexyl) phthalate | 2218-01-9 | 0.059 | 3.4 |
| Chrysene | 105-67-9 | 0.057 | 28 |
| Di-n-butyl phthalate | | | |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|---|-----------|-------|----------------|
| Ethylbenzene | 100-41-4 | 0.057 | 10 |
| Fluorene | 86-73-7 | 0.059 | NA |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Pyrene | 129-00-0 | 0.067 | 8.2 |
| Toluene | 106-88-3 | 0.08 | 10 |
| Xylenes-mixed isomers | 1330-20-7 | 0.32 | 30 |
| (sum of o-, m-, and p- xylene concentrations) | | | |
| Cyanides (Total)(7) | 57-12-5 | 1.2 | 590 |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Lead | 7439-92-1 | 0.69 | NA |
| Nickel | 7440-02-0 | NA | 5.0 mg/l TCLP |
| K052 | | | |
| Tank bottoms (lead) from the petroleum refining industry. | | | |
| Benzene | 71-43-2 | 0.14 | 10 |
| Benzo (a)pyrene | 50-32-8 | 0.061 | 3.4 |
| O-Cresol | 95-48-7 | 0.11 | 5.6 |
| m-Cresol | 108-39-4 | 0.77 | 5.6 |
| (difficult to distinguish from p-cresol) | | | |
| p-Cresol | 106-44-5 | 0.77 | 5.6 |
| (difficult to distinguish from m-cresol) | | | |
| 2,4-Dimethylphenol | 105-67-9 | 0.036 | NA |
| Ethylbenzene | 100-41-4 | 0.057 | 10 |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenanthrene | 85-01-8 | 0.059 | 5.6 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Toluene | 108-88-3 | 0.08 | 10 |
| Xylenes-mixed isomers | 1330-20-7 | 0.32 | 30 |
| (sum of o-, m-, and p- xylene concentrations) | | | |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Cyanides (Total)(7) | 57-12-5 | 1.2 | 590 |
| Lead | 7439-92-1 | 0.69 | NA |
| Nickel | 7440-02-0 | NA | 5.0 mg/l TCLP |
| K060 | | | |
| Ammonia still lime sludge from coking operations. | | | |
| Benzene | 71-43-2 | 0.14 | 10 |
| Benzo(a) pyrene | 50-32-8 | 0.061 | 3.4 |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenol | 108-95-2 | 0.039 | 6.2 |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|---|-----------|------|-----------------|
| Cyanides (Total)(7) | 57-12-5 | 1.2 | 590 |
| K061 | | | |
| Emission control dust or sludge from the primary production of steel in electric furnaces. | | | |
| Antimony | 7440-36-0 | NA | 2.1 mg/l TCLP |
| Arsenic | 7440-38-2 | NA | 5.0 mg/l TCLP |
| Barium | 7440-39-3 | NA | 7.6 mg/l TCLP |
| Beryllium | 7440-41-7 | NA | 0.014 mg/l TCLP |
| | | | TCLP |
| Cadmium | 7440-43-9 | 0.69 | 0.19 mg/l TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Lead | 7439-92-1 | 0.69 | 0.37 mg/l TCLP |
| Mercury | 7439-97-6 | NA | 0.025 mg/l TCLP |
| Nickel | 7440-02-0 | 3.98 | 5.0 mg/l TCLP |
| Selenium | 7782-49-2 | NA | 0.16 mg/l TCLP |
| Silver | 7740-22-4 | NA | 0.30 mg/l TCLP |
| Thallium | NA | NA | 0.078 mg/l TCLP |
| Zinc | 7440-66-6 | NA | 5.3 mg/l TCLP |
| K062 | | | |
| Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332). | | | |
| Chromium (Total) | 7740-47-3 | 2.77 | 0.86 mg/l TCLP |
| Lead | 7439-92-1 | 0.69 | 0.37 mg/l TCLP |
| Nickel | 7440-02-0 | 3.98 | NA |
| K069 | | | |
| Emission control dust or sludge from secondary lead smelting. - Calcium sulfate | | | |
| (Low Lead) Subcategory | | | |
| Cadmium | 7440-43-9 | 0.69 | 0.19 mg/l TCLP |
| Lead | 7439-92-1 | 0.69 | 0.37 mg/l TCLP |
| K069 | | | |
| Emission control dust or sludge from secondary lead smelting. - Non-Calcium sulfate (High Lead) Subcategory | | | |
| NA | NA | NA | NA |
| K071 | | | |
| K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC. | | | |
| Mercury | 7439-97-6 | NA | 0.20 mg/l TCLP |
| K071 | | | |
| K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is to used) nonwastewaters that are not residues from RMERC. | | | |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|--|-----------|-------|---------------------|
| Mercury | 7439-97-6 | NA | 0.025 mg/l TCCLP |
| K071 | | | |
| All K071 wastewaters. | | | |
| Mercury | 7439-97-6 | 0.015 | NA |
| K073 | | | |
| Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. | | | |
| Carbon tetrachloride | 56-23-5 | 0.057 | 6.0 |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| Hexachloroethane | 67-72-1 | 0.055 | 30 |
| Tetrachloroethylene | 127-18-4 | 0.058 | 6.0 |
| 1,1,1-Trichloroethane | 71-55-6 | 0.054 | 6.0 |
| K083 | | | |
| Distillation bottoms from aniline production. | | | |
| Aniline | 62-53-3 | 0.81 | 14 |
| Benzene | 71-43-2 | 0.14 | 10 |
| Cyclohexanone | 108-94-1 | 0.36 | NA |
| Diphenylamine | 122-39-4 | 0.92 | 13 |
| (difficult to distinguish from diphenylnitrosamine) | | | |
| Diphenylnitrosamine | 86-30-6 | 0.92 | 13 |
| (difficult to distinguish from diphenylamine) | | | |
| Nitrobenzene | 98-95-3 | 0.068 | 14 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Nickel | 7440-02-0 | 3.98 | 5.0 mg/l TCCLP |
| K084 | | | |
| Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. | | | |
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/l TCCLP |
| K085 | | | |
| Distillation or fractionation column bottoms from the production of chlorobenzenes. | | | |
| Benzene | 71-43-2 | 0.014 | 10 |
| Chlorobenzene | 108-90-7 | 0.057 | 6.0 |
| m-Dichlorobenzene | 541-73-1 | 0.036 | 6.0 |
| o-Dichlorobenzene | 95-50-1 | 0.088 | 6.0 |
| p-Dichlorobenzene | 106-46-7 | 0.090 | 6.0 |
| Hexachlorobenzene | 118-74-1 | 0.055 | 10 |
| Total PCBs | 1336-36-3 | 0.10 | 10 |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|---|-----------|--------|-----------------|
| (sum of all PCB isomers, or all Aroclors) | | | |
| Pentachlorobenzene | 608-93-5 | 0.055 | 10 |
| 1,2,4,5-Tetrachlorobenzene | 95-94-3 | 0.055 | 10 |
| benzene | | | |
| 1,2,4-Trichlorobenzene | 120-82-1 | 0.055 | 19 |
| K086 | | | |
| Solvent wastes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead. | | | |
| Acetone | 67-64-1 | 0.28 | 160 |
| Acetophenone | 96-86-2 | 0.010 | 9.7 |
| bis(2iethylhexyl) phthalate | 117-81-7 | 0.28 | 28 |
| n-Butyl alcohol | 71-36-3 | 5.6 | 2.6 |
| Butylbenzyl phthalate | 85-68-7 | 0.017 | 28 |
| Cyclohexanone | 108-94-1 | 0.36 | NA |
| o-Dichlorobenzene | 95-50-1 | 0.088 | 6.0 |
| Diethyl phthalate | 84-66-2 | 0.20 | 28 |
| Dimethyl phthalate | 131-11-3 | 0.047 | 28 |
| Di-n-butyl phthalate | 84-74-2 | 0.057 | 28 |
| Di-n-octyl phthalate | 117-84-0 | 0.017 | 28 |
| Ethyl acetate | 141-78-6 | 0.34 | 33 |
| Ethylbenzene | 100-41-4 | 0.057 | 10 |
| Methanol | 67-56-1 | 5.6 | NA |
| Methyl ethyl ketone | 78-93-3 | 0.28 | 36 |
| Methyl isobutyl ketone | 108-10-1 | 0.14 | 33 |
| Methylene chloride | 75-09-2 | 0.089 | 30 |
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Nitrobenzene | 98-95-3 | 0.068 | 14 |
| Toluene | 108-88-3 | 0.080 | 10 |
| 1,1,1-Trichloroethane | 71-55-6 | 0.054 | 6.0 |
| Trichloroethylene | 79-01-6 | 0.054 | 6.0 |
| Xylenes-mixed isomers | 1330-20-7 | 0.32 | 30 |
| (sum of o-, m-, and p-xylene concentrations) | 1330-20-7 | 0.32 | 30 |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCCLP |
| Cyanides (Total)(7) | 57-12-5 | 1.2 | 590 |
| Lead | 7439-92-1 | 0.69 | 0.37 mg/l TCCLP |
| K087 | | | |
| Decanter tank tar sludge from coking operations. | | | |
| Acenaphthylene | 208-96-8 | 0.059 | 3.4 |
| Benzene | 71-43-2 | 0.14 | 10 |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| Fluoranthene | 206-44-0 | 0.068 | 3.4 |
| Indenol(1,2,3-cd)pyrene | 193-39-5 | 0.0055 | 3.4 |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|--|-----------|-------|----------------|
| Naphthalene | 91-20-3 | 0.059 | 5.6 |
| Phenanthrene | 85-01-8 | 0.052 | 5.6 |
| Toluene | 108-88-3 | 0.080 | 10 |
| Xylenes-mixed isomers | 1330-20-7 | 0.32 | 30 |
| (sum of o-, m-, and p-xylene concentrations) | | | |
| Lead | 7439-92-1 | 0.069 | 0.37 mg/l TCLP |

| | | | |
|--|--|-------|----|
| K093 | Distillation light ends from the production of phthalic anhydride from orthoxylyene. | | |
| Phthalic anhydride (measured as Phthalic acid or erephthalic acid) | 100-21-0 | 0.055 | 28 |
| Phthalic anhydride | 85-44-9 | 0.055 | 28 |

| | | | |
|---|---|-------|----|
| K094 | Distillation bottoms from the production of phthalic anhydride from orthoxylyene. | | |
| Phthalic anhydride (measured as Phthalic acid or Terephthalic acid) | 100-21-0 | 0.055 | 28 |
| Phthalic anhydride | 85-44-9 | 0.055 | 28 |

| | | | |
|---------------------------|--|-------|-----|
| K095 | Distillation bottoms from the production of 1,1,1-trichloroethane. | | |
| Hexachloroethane | 67-72-1 | 0.055 | 30 |
| Pentachloroethane | 76-01-7 | 0.055 | 6.0 |
| 1,1,1,2-Tetrachloroethane | 630-20-6 | 0.057 | 6.0 |
| ethane | 79-34-6 | 0.057 | 6.0 |
| 1,1,2,2-Tetrachloroethane | 127-18-4 | 0.056 | 6.0 |
| 1,1,2-Trichloroethane | 79-00-5 | 0.054 | 6.0 |
| Trichloroethylene | 79-01-6 | 0.054 | 6.0 |

| | | | |
|---------------------------|---|-------|-----|
| K096 | Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane. | | |
| m-Dichlorobenzene | 541-73-1 | 0.036 | 6.0 |
| Pentachloroethane | 76-01-7 | 0.055 | 6.0 |
| 1,1,1,2-Tetrachloroethane | 630-20-6 | 0.057 | 6.0 |
| ethane | 79-34-6 | 0.057 | 6.0 |
| 1,1,2,2-Tetrachloroethane | 127-18-4 | 0.056 | 6.0 |
| Tetrachloroethylene | | | |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|------------------------|----------|-------|-----|
| 1,2,4-Trichlorobenzene | 120-82-1 | 0.055 | 19 |
| 1,1,2-Trichloroethane | 79-00-5 | 0.054 | 6.0 |
| Trichloroethylene | 79-01-6 | 0.054 | 6.0 |

| | | | |
|------------------------------------|--|--------|-------|
| K097 | Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane. | | |
| Chlordane alpha and gamma isomers) | 57-74-9 | 0.0033 | 0.26 |
| Heptachlor | 76-44-8 | 0.0012 | 0.066 |
| Heptachlor epoxide | 1024-57-3 | 0.016 | 0.068 |
| Hexachlorocyclopentadiene | 77-47-4 | 0.057 | 2.4 |

| | | | |
|-----------|--|--------|-----|
| K098 | Untreated process wastewater from the production of toxaphene. | | |
| Toxaphene | 8001-35-2 | 0.0095 | 2.6 |

| | | | |
|---|--|----------|-------|
| K099 | Untreated wastewater from the production of 2,4-D. | | |
| 2,4-Dichlorophenoxyacetic acid | 94-75-7 | 0.72 | 10 |
| HxCDDs (All Hexachlorodibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| HxCDFs (All Hexachlorodibenzofurans) | NA | 0.000063 | 0.001 |
| PeCDDs (All Pentachlorodibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| PeCDFs (All Pentachlorodibenzofurans) | NA | 0.000035 | 0.001 |
| TCDDs (All Tetrachlorodibenzo-p-dioxins) | NA | 0.000063 | 0.001 |
| TCDFs (All Tetrachlorodibenzofurans) | NA | 0.000063 | 0.001 |

| | | | |
|------------------|---|------|----------------|
| K100 | Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting. | | |
| Cadmium | 7440-43-9 | 0.69 | 0.19 mg/l TCLP |
| Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCLP |
| Lead | 7439-92-1 | 0.69 | 0.37 mg/l TCLP |

| | | | |
|----------------|--|------|---------------|
| K101 | Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. | | |
| O-Nitroaniline | 88-74-4 | 0.27 | 14 |
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/l TCLP |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|---------|-----------|------|----|
| Cadmium | 7440-43-9 | 0.69 | NA |
| Lead | 7439-92-1 | 0.69 | NA |
| Mercury | 7439-97-6 | 0.15 | NA |

K102

Residue from the use of activated carbon f--decolorizatin in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

| | | | |
|---------------|-----------|-------|---------------|
| o-Nitrophenol | 88-75-5 | 0.028 | 13 |
| Arsenic | 7440-38-2 | 1.4 | 5.0 mg/l TCLP |
| Cadmium | 7440-43-9 | 0.069 | NA |
| Lead | 7439-92-1 | 0.69 | NA |
| Mercury | 7439-97-6 | 0.15 | NA |

K103

Process residues from aniline extraction from the production of aniline.

| | | | |
|-------------------|----------|-------|-----|
| Aniline | 62-53-3 | 0.81 | 14 |
| Benzene | 71-43-2 | 0.14 | 10 |
| 2,4-Dinitrophenol | 51-28-5 | 0.12 | 160 |
| Nitrobenzene | 98-95-3 | 0.068 | 14 |
| Phenol | 108-95-2 | 0.039 | 6.2 |

K104

Combined wastewater streams generated from nitrobenzene or aniline production.

| | | | |
|---------------------|----------|-------|-----|
| Aniline | 62-53-3 | 0.81 | 14 |
| Benzene | 71-43-2 | 0.14 | 10 |
| 2,4-Dinitrophenol | 51-28-5 | 0.12 | 160 |
| Nitrobenzene | 98-95-3 | 0.068 | 14 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| Cyanides (Total)(7) | 57-12-5 | 1.2 | 590 |

K105

Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.

| | | | |
|-----------------------|----------|-------|-----|
| Benzene | 71-43-2 | 0.14 | 10 |
| Chlorobenzene | 108-90-7 | 0.057 | 6.0 |
| 2-Chlorophenol | 95-57-8 | 0.044 | 5.7 |
| o-Dichlorobenzene | 95-50-1 | 0.088 | 6.0 |
| p-Dichlorobenzene | 106-46-7 | 0.090 | 6.0 |
| Phenol | 108-95-2 | 0.039 | 6.2 |
| 2,4,5-Trichlorophenol | 25-35-4 | 0.18 | 7.1 |
| 2,4,6-Trichlorophenol | 88-06-2 | 0.035 | 7.4 |

K106

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.

| | | | |
|---------|-----------|----|-------|
| Mercury | 7439-97-6 | NA | RMERC |
|---------|-----------|----|-------|

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC.

| | | | |
|---------|-----------|----|----------------|
| Mercury | 7439-97-6 | NA | 0.20 mg/l TCLP |
|---------|-----------|----|----------------|

K106

Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC.

| | | | |
|---------|-----------|----|-----------------|
| Mercury | 7439-97-6 | NA | 0.025 mg/l TCLP |
|---------|-----------|----|-----------------|

K106

All K106 wastewaters.

| | | | |
|---------|-----------|------|----|
| Mercury | 7439-97-6 | 0.15 | NA |
|---------|-----------|------|----|

K107

Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

| | | | |
|----|----|----------------|-------|
| NA | NA | INCIN; or | INCIN |
| | | CHOXD fb | |
| | | CARBN; or | |
| | | BIDOG fb CARBN | |

K108

Condensed colum overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

| | | | |
|----|----|----------------|-------|
| NA | NA | INCIN; or | INCIN |
| | | CHOXD fb | |
| | | CARBN; or | |
| | | BIDOG fb CARBN | |

K109

Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

| | | | |
|----|----|----------------|-------|
| NA | NA | INCIN; or | INCIN |
| | | CHOXD fb | |
| | | CARBN; or | |
| | | BIDOG fb CARBN | |

K110

Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

| | | | |
|----|----|----------------|-------|
| NA | NA | INCIN; or | INCIN |
| | | CHOXD fb | |
| | | CARBN; or | |
| | | BIDOG fb CARBN | |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K111
Product washwaters from the production of dinitrotoluene via nitration of toluene.
2,4-Dinitrotoluene 121-1-1 0.32 140
2,6-Dinitrotoluene 606-20-2 0.55 28

K112
Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.
NA NA INCIN
2,4-CHOXD fb INCIN
CARBN; or
BIODG fb CARBN

K113
Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.
NA NA CMBST
CARBN; or
INCIN

K114
Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.
NA NA CMBST
CARBN; or
INCIN

K115
Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.
Nickel 7440-02-0 3.98 5.0 mg/l TCLP
NA NA CMBST
CARBN; or
INCIN

K116
Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.
NA NA CMBST
CARBN; or
INCIN

K117
Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.
Methyl bromide (Bromo- 74-83-9) 15
methane)
Chloroform 0.046 6.0
Ethylene- 106-93-4 0.028 15
dibromide (1,2-
Dibromethane

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K118
Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.
Methyl bromide (Bromo- 74-83-9 0.11 15
methane)
Chloroform 0.046 6.0
Ethylene dibromide 106-93-4 0.028 15
(1,2-Dibromoethane)

K123
Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.
NA NA INCIN
CHOXD fb
BIODG or
CARBN

K124
Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.
NA NA INCIN
CHOXD fb
BIODG or
CARBN

K125
Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.
NA NA INCIN
CHOXD fb
BIODG or
CARBN

K126
Baghouse dust and floor sweeping in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.
NA NA INCIN
CHOXD fb
BIODG or
CARBN

K131
Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.
Methyl bromide (Bromo- 74-83-9 0.11 15
methane)
K132
Spent absorbent and wastewater separator solids from the production of methyl

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

bromide.
Methyl bromide (Bromo-
methane) 74-83-9 0.11 15

K136 Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromo-
methane) 74-83-9 0.11 15
Chloroform 67-66-3 0.046 6.0
Ethylene dibromide 106-93-4 0.028 15
(1,2-Dibromoethane)

K141

Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).

Benzene 71-43-2 0.14 10
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-28-8 0.061 3.4

distinguish from benzo-
(k)fluoranthene) 207-08-9 0.11 6.8
Benzo(k)fluoranthene
(difficult to
distinguish from benzo-
(b)fluoranthene)
Chrysene 218-01-9 0.059 3.4
Diben(a,h)anthracene 53-70-3 0.055 8.2
Indeno(1,2,3-cd)pyrene 193-39-5 0.0055 3.4

K142

Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.

Benzene 71-43-2 0.14 10
Benzo(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
Benzo(b)fluoranthene 205-99-2 0.11 6.8
(difficult to
distinguish from benzo-
(k)fluoranthene)
Benzo(k)fluoranthene 207-08-9 0.11 6.8
(difficult to
distinguish from benzo-
(b)fluoranthene)
Chrysene 218-01-9 0.059 3.4
Diben(a,h)anthracene 53-70-3 0.055 8.2

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Ideno(1,2,3-cd)pyrene 193-39-5 0.0055 3.4

K143

Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.

Benzene 71-43-2 0.14 10
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
Benzo(b)fluoranthene 205-99-2 0.11 6.8
(difficult to
distinguish from benzo-
(k)fluoranthene)
Benzo(k)fluoranthene 207-08-9 0.11 6.8
(difficult to
distinguish from benzo-
(b)fluoranthene)
Chrysene 218-01-9 0.059 3.4

K144

Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.

Benzene 71-43-2 0.14 10
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
Benzo(b)fluoranthene 205-99-2 0.11 6.8
(difficult to
distinguish from benzo-
(k)fluoranthene)
Benzo(k)fluoranthene 207-08-9 0.11 6.8
(difficult to
distinguish from benzo-
(b)fluoranthene)
Chrysene 218-01-9 0.059 3.4
Diben(a,h)anthracene 53-70-3 0.055 8.2

K145

Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.

Benzene 71-43-2 0.14 10
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
Chrysene 218-01-9 0.059 3.4
Diben(a,h)anthracene 53-70-3 0.055 6.2
Naphthalene 91-20-3 0.059 5.6

K147

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Tar storage tank residues from coal tar refining.

| | | | |
|---|----------|--------|-----|
| Benzene | 71-43-2 | 0.14 | 10 |
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |
| Benz(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| Benzo(b)fluoranthene | 205-99-2 | 0.11 | 6.8 |
| (difficult to distinguish from benzo-(k)fluoranthene) | | | |
| Benzo(k)fluoranthene | 207-08-9 | 0.11 | 6.8 |
| (difficult to distinguish from benzo-(b)fluoranthene) | | | |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| Dibenz(a,h)anthracene | 53-70-3 | 0.055 | 8.2 |
| Indeno(1,2,3-cd)pyrene | 193-39-5 | 0.0055 | 3.4 |

K148

Residues from coal tar distillation, including, but not limited to, still bottoms.

| | | | |
|---|----------|--------|-----|
| Benz(a)anthracene | 56-55-3 | 0.059 | 3.4 |
| Benz(a)pyrene | 50-32-8 | 0.061 | 3.4 |
| Benzo(b)fluoranthene | 205-99-2 | 0.11 | 6.8 |
| (difficult to distinguish from benzo-(k)fluoranthene) | | | |
| Benzo(k)fluoranthene | 207-08-9 | 0.11 | 6.8 |
| (difficult to distinguish from benzo-(b)fluoranthene) | | | |
| Chrysene | 218-01-9 | 0.059 | 3.4 |
| Dibenz(a,h)anthracene | 53-70-3 | 0.055 | 8.2 |
| Indeno(1,2,3-cd)pyrene | 193-39-5 | 0.0055 | 3.4 |

K149

Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)

| | | | |
|----------------------------|----------|-------|-----|
| Chlorobenzene | 108-90-7 | 0.057 | 6.0 |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| Chloromethane | 74-87-3 | 0.19 | 30 |
| p-Dichlorobenzene | 106-46-7 | 0.090 | 6.0 |
| Hexachlorobenzene | 118-74-1 | 0.055 | 10 |
| Pentachlorobenzene | 608-93-5 | 0.055 | 10 |
| 1,2,4,5-Tetrachlorobenzene | 95-94-3 | 0.055 | 14 |
| Toluene | 108-88-3 | 0.080 | 10 |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K150

Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

| | | | |
|----------------------------|----------|-------|-----|
| Carbon tetrachloride | 56-23-5 | 0.057 | 6.0 |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| Chloromethane | 74-87-3 | 0.19 | 30 |
| p-Dichlorobenzene | 106-46-7 | 0.090 | 6.0 |
| Hexachlorobenzene | 118-74-1 | 0.055 | 10 |
| Pentachlorobenzene | 608-93-5 | 0.055 | 10 |
| 1,2,4,5-Tetrachlorobenzene | 95-94-3 | 0.055 | 14 |
| benzene | | | |
| 1,1,2,2-Tetrachloroethane | 79-34-5 | 0.057 | 6.0 |
| Tetrachloroethylene | 127-18-4 | 0.056 | 6.0 |
| 1,2,4-Trichlorobenzene | 120-82-1 | 0.055 | 19 |

K151

Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

| | | | |
|----------------------------|----------|-------|-----|
| Benzene | 71-43-2 | 0.14 | 10 |
| Carbon tetrachloride | 56-23-5 | 0.057 | 6.0 |
| Chloroform | 67-66-3 | 0.046 | 6.0 |
| Hexachlorobenzene | 118-74-1 | 0.055 | 10 |
| Pentachlorobenzene | 608-93-5 | 0.055 | 10 |
| 1,2,4,5-Tetrachlorobenzene | 95-94-3 | 0.055 | 14 |
| benzene | | | |
| Tetrachloroethylene | 127-18-4 | 0.056 | 6.0 |
| Toluene | 108-88-3 | 0.080 | 10 |

P001

Warfarin, & salts, when present at concentrations greater than 0.38

| | | | |
|----------|---------|---------------------|-------|
| Warfarin | 81-81-2 | (WETOX or CHOXD) fb | CMBST |
| | | CARBEN; or INCIN | |

P002

1-Acetyl-2-thiourea

| | | | |
|---------------------|----------|---------------------|-------|
| 1-Acetyl-2-thiourea | 591-08-2 | (WETOX or CHOXD) fb | INCIN |
| | | CARBEN; or INCIN | |

P003

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | | | | | |
|--|------------|--|---|--|---------------------------------|--|----------------------------|
| P004 <u>Acrolein</u> <u>Aldrin</u> <u>Aldrin</u> | 107-02-6 | 0.29 | <u>CMBST</u> | P012 <u>Arsenic trioxide</u> <u>Arsenic</u> | 7440-38-2 | 1.4 | 5.0 mg/l TCLP |
| P005 <u>Allyl alcohol</u> <u>Allyl alcohol</u> | 309-00-2 | 0.021 | 0.068 | P013 <u>Barium cyanide</u> <u>Barium</u> <u>Cyanides (Total)(7)</u> <u>Cyanides (Amendable)(7)</u> | 7440-39-3 57-12-5 57-12-5 | NA A 0.86 | 7.6 mg/l TCLP 590 30 |
| P006 <u>Aluminum phosphide</u> <u>Aluminum phosphide</u> | 20859-73-6 | <u>CHOXD; CHRED;</u> or <u>INCIN</u> | <u>CHOXD; CHRED;</u> or <u>INCIN</u> | P014 <u>Thiophenol (Benzene thiol)</u> <u>Thiophenol (Benzene thiol)</u> | 108-98-5 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN |
| P007 <u>5-Aminomethyl-3-isoxazolol</u> <u>5-Aminomethyl-3-isoxazolol</u> | 2763-96-4 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN | P015 <u>Beryllium dust</u> <u>Beryllium</u> | 7440-41-7 | RMETL; or RTHRM | RMETL; or RTHRM |
| P008 <u>4-Aminopyridine</u> <u>4-Aminopyridine</u> | 504-24-5 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN | P016 <u>Dichloromethyl ether (Bis(chloromethyl)ether)</u> <u>Dichloromethyl ether</u> | 542-88-1 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN |
| P009 <u>Ammonium picrate</u> <u>Ammonium picrate</u> | 131-74-8 | <u>CHOXD; CHRED;</u> CARBN; BIODG; or <u>INCIN</u> | <u>CHOXD; CHRED;</u> or <u>CMBST</u> | P017 <u>Bromoacetone</u> <u>Bromoacetone</u> | 598-31-2 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN |
| P010 <u>Arsenic acid</u> <u>Arsenic</u> | 7440-38-2 | 1.4 | 5.0 mg/l TCLP | P018 <u>Brucine</u> <u>Brucine</u> | 357-57-3 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN |
| P011 <u>Arsenic pentoxide</u> <u>Arsenic</u> | 7440-38-2 | 1.4 | 5.0 mg/l TCLP | P020 <u>2-sec-Butyl-4,6-dinitrophenol (Dinoseb)</u> <u>2-sec-Butyl-4,6-dinitrophenol (Dinoseb)</u> | 88-85-7 | 0.066 | 2.5 |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

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| | | | | |
|------|---|-----------|---------------------|---------------|
| P021 | Calcium cyanide | 57-12-5 | 1.2 | 590 |
| | Cyanides (Total)(7) | 57-12-5 | 0.86 | 30 |
| | Cyanides (Amenable)(7) | | | |
| P022 | Carbon disulfide | 75-15-0 | 3.8 | INCIN |
| | Carbon disulfide | 75-15-0 | NA | 4.8 mg/l TCLP |
| | Carbon disulfide; alternate(6) standard for nonwastewaters only | | | |
| P023 | Chloroacetaldehyde | 107-20-0 | (WETOX or CHOXD) fb | INCIN |
| | Chloroacetaldehyde | | CARB; or | |
| | | | INCIN | |
| P024 | p-Chloroaniline | 106-47-8 | .046 | 16 |
| | p-Chloroaniline | | | |
| P026 | 1-(O-Chlorophenyl)thiourea | 5344-82-1 | (WETOX or CHOXD) fb | INCIN |
| | 1-(O-Chlorophenyl)thio-urea | | CARB; or | |
| | | | INCIN | |
| P027 | 3-Chloropropionitrile | 542-76-7 | (WETOX or CHOXD) fb | INCIN |
| | 3-Chloropropionitrile | | CARB; or | |
| | | | INCIN | |
| P028 | Benzyl chloride | 100-44-7 | (WETOX or CHOXD) fb | INCIN |
| | Benzyl chloride | | CARB; or | |
| | | | INCIN | |
| P029 | Copper cyanide | 57-12-5 | 1.2 | 590 |
| | Cyanides (Total)(7) | 57-12-5 | 0.86 | 30 |
| | Cyanides (Amenable)(7) | | | |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | | |
|------|--|-----------|------------------------|------------------------|
| P030 | Cyanides (soluble salts and complexes) | | | |
| | Cyanides (Total)(7) | 57-12-5 | 1.2 | 590 |
| | Cyanides (Amenable)(7) | 57-12-5 | 0.86 | 30 |
| P031 | Cyanogen | | | |
| | Cyanogen | 460-19-5 | CHOXD; WETOX; or INCIN | CHOXD; WETOX; or INCIN |
| P033 | Cyanogen chloride | | | |
| | Cyanogen chloride | 506-77-4 | CHOXD; WETOX; or INCIN | CHOXD; WETOX; or INCIN |
| P034 | 2-Cyclohexyl-4,6-dinitrophenol | | | |
| | 2-Cyclohexyl-4,6-dinitrophenol | 131-89-5 | (WETOX or CHOXD) fb | INCIN |
| | | | CARB; or | |
| | | | INCIN | |
| P036 | Dichlorophenylarsine | 7440-38-2 | 1.4 | 5.0 mg/l TCLP |
| | Arsenic | | | |
| P037 | Dieldrin | | | |
| | Dieldrin | 60-57-1 | 0.017 | 0.13 |
| P038 | Diethylarsine | | | |
| | Arsenic | 7440-38-2 | 1.4 | 5.0 mg/l TCLP |
| P039 | Disulfoton | | | |
| | Disulfoton | 298-04-4 | 0.017 | 6.2 |
| P040 | O,O-Diethyl-o-pyrazinyl-phosphorothioate | | | |
| | O,O-Diethyl-o-pyrazinyl-phosphorothioate | 297-97-2 | CARB; or | CMBST |
| | | | INCIN | |
| P041 | Diethyl-p-nitrophenyl phosphate | | | |
| | Diethyl-p-nitrophenyl phosphate | 311-45-5 | CARB; or | CMBST |
| | | | INCIN | |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | |
|--|--|--|----------------------------------|
| <u>Isodrin</u> | <u>465-73-6</u> | <u>0.021</u> | <u>0.066</u> |
| <u>Isodrin</u> | | | |
| <u>P062</u> | | | |
| <u>Hexaethyl tetraphosphate</u> | | | |
| <u>Hexaethyl tetraphosphate</u> | <u>757-58-4</u> | <u>CARBN; or</u> <u>INCIN</u> | <u>CMBST</u> |
| <u>P063</u> | | | |
| <u>Hydrogen cyanide</u> | | | |
| <u>Cyanides (Total)(7)</u> | <u>57-12-5</u> | <u>1.2</u> | <u>590</u> |
| <u>Cyanides (Amenable)(7)</u> | <u>57-12-5</u> | <u>0.86</u> | <u>30</u> |
| <u>P064</u> | | | |
| <u>Isocyanic acid, ethyl ester</u> | | | |
| <u>Isocyanic acid, ethyl ester</u> | <u>624-83-9</u> | <u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBN; or</u> <u>INCIN</u> | <u>INCIN</u> |
| <u>P065</u> | | | |
| <u>P065 (mercury fulminate)</u> | <u>nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.</u> | | |
| <u>Mercury</u> | <u>7439-97-6</u> | <u>NA</u> | <u>IMERC</u> |
| <u>P065</u> | | | |
| <u>P065 (mercury fulminate)</u> | <u>nonwastewaters that are either incinerator residues or are residues from RMERC; and contain greater than or equal to 260 mg/kg total mercury.</u> | | |
| <u>Mercury</u> | <u>7339-97-6</u> | <u>RMERC</u> | |
| <u>P065</u> | | | |
| <u>P065 (mercury fulminate)</u> | <u>nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.</u> | | |
| <u>Mercury</u> | <u>7439-97-6</u> | <u>NA</u> | <u>0.20 mg/l TCLP</u> |
| <u>P065</u> | | | |
| <u>P065 (mercury fulminate)</u> | <u>nonwastewaters that ar incinerator residues and contain less than 260 mg/kg total mercury.</u> | | |
| <u>Mercury</u> | <u>7439-97-6</u> | <u>NA</u> | <u>0.025 mg/l</u> <u>TCLP</u> |
| <u>P065</u> | | | |
| <u>All P065 (mercury fulminate) wastewaters.</u> | | | |
| <u>Mercury</u> | <u>7439-97-6</u> | <u>0.15</u> | <u>NA</u> |
| <u>P066</u> | | | |

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| | | | |
|------------------------------|-------------------|--|---|
| <u>Methomyl</u> | <u>16752-77-5</u> | <u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBN; or</u> <u>INCIN</u> | <u>INCIN</u> |
| <u>Methomyl</u> | | | |
| <u>P067</u> | | | |
| <u>2-Methyl-aziridine</u> | | | |
| <u>2-Methyl-aziridine</u> | <u>75-55-8</u> | <u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBN; or</u> <u>INCIN</u> | <u>INCIN</u> |
| <u>P068</u> | | | |
| <u>Methyl hydrazine</u> | | | |
| <u>Methyl hydrazine</u> | <u>60-34-4</u> | <u>CHOXD; CHRED;</u> <u>CARBN; BODG;</u> <u>or INCIN</u> | <u>CHOXD; CHRED,</u> <u>or CMBST</u> |
| <u>P069</u> | | | |
| <u>2-Methylactonitrile</u> | | | |
| <u>2-Methylactonitrile</u> | <u>75-86-5</u> | <u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBN; or</u> <u>INCIN</u> | <u>INCIN</u> |
| <u>P070</u> | | | |
| <u>Aldicarb</u> | | | |
| <u>Aldicarb</u> | <u>116-06-3</u> | <u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBN; or</u> <u>INCIN</u> | <u>INCIN</u> |
| <u>P071</u> | | | |
| <u>Methyl parathion</u> | | | |
| <u>Methyl parathion</u> | <u>298-00-0</u> | <u>0.014</u> | <u>4.6</u> |
| <u>P072</u> | | | |
| <u>1-Naphthyl-2-thiourea</u> | | | |
| <u>1-Naphthyl-2-thiourea</u> | <u>86-88-4</u> | <u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBN; or</u> <u>INCIN</u> | <u>INCIN</u> |
| <u>P073</u> | | | |
| <u>Nickel carbonyl</u> | | | |
| <u>Nickel</u> | <u>7440-02-0</u> | <u>3.98</u> | <u>5.0 mg/l TCLP</u> |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | | | | | | |
|--|--|---|---|--|--|--|---|--|
| <u>P094</u> <u>Phorate</u> <u>Phorate</u> | <u>298-02-2</u> | <u>0.021</u> | <u>INCIN</u> | | <u>P104</u> <u>Silver cyanide</u> <u>Cyanides (Total)(7)</u> <u>Cyanides (Amenable)(7)</u> <u>Silver</u> | <u>57-12-5</u> <u>57-12-5</u> <u>7440-22-4</u> | <u>1.2</u> <u>0.86</u> <u>0.43</u> | <u>590</u> <u>30</u> <u>0.30 mg/l TCLP</u> |
| <u>P095</u> <u>Phosgene</u> <u>Phosgene</u> | <u>75-44-5</u> | <u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARB; or</u> <u>INCIN</u> | <u>INCIN</u> | | <u>P105</u> <u>Sodium azide</u> <u>Sodium azide</u> | <u>26628-22-8</u> | <u>CHOXD; CHRED;</u> <u>CARB; BIODG;</u> <u>or INCIN</u> | <u>CHOXD; CHRED;</u> <u>or CMBST</u> |
| <u>P096</u> <u>Phosphine</u> <u>Phosphine</u> | <u>7803-51-2</u> | <u>CHOXD; CHRED;</u> <u>or INCIN</u> | <u>CHOXD; CHRED;</u> <u>or INCIN</u> | | <u>P106</u> <u>Sodium cyanide</u> <u>Cyanides (Total)(7)</u> <u>Cyanides (Amenable)(7)</u> | <u>57-12-5</u> <u>57-12-5</u> | <u>1.2</u> <u>0.86</u> | <u>590</u> <u>30</u> |
| <u>P097</u> <u>Famphur</u> <u>Famphur</u> | <u>52-85-7</u> | <u>0.017</u> | <u>15</u> | | <u>P108</u> <u>Strychnine and salts</u> <u>Strychnine and salts</u> | <u>57-24-9</u> | <u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARB; or</u> <u>INCIN</u> | <u>INCIN</u> |
| <u>P098</u> <u>Potassium cyanide</u> <u>Cyanides (Total)(7)</u> <u>Cyanides (Amenable)(7)</u> | <u>57-12-5</u> <u>57-12-5</u> | <u>1.2</u> <u>0.86</u> | <u>590</u> <u>30</u> | | <u>P109</u> <u>Tetraethyldithiopyrophosphate</u> <u>Tetraethyldithiopyro-</u> <u>phosphate</u> | <u>3689-24-5</u> | <u>CARB; or</u> <u>INCIN</u> | <u>CMBST</u> |
| <u>P099</u> <u>Potassium silver cyanide</u> <u>Cyanides (Total)(7)</u> <u>Cyanides (Amenable)(7)</u> <u>Silver</u> | <u>57-12-5</u> <u>57-12-5</u> <u>7440-22-4</u> | <u>1.2</u> <u>0.86</u> <u>0.43</u> | <u>590</u> <u>30</u> <u>0.30mg/l TCLP</u> | | <u>P110</u> <u>Tetraethyl lead</u> <u>lead</u> | <u>7439-92-1</u> | <u>0.69</u> | <u>0.37 mg/l TCLP</u> |
| <u>P101</u> <u>Ethyl cyanide (Propanenitrile)</u> <u>Ethyl cyanide</u> <u>(Propanenitrile)</u> | <u>107-12-0</u> | <u>0.24</u> | <u>360</u> | | <u>P111</u> <u>Tetraethylpyrophosphate</u> <u>Tetraethylpyrophosphate</u> | <u>107-49-3</u> | <u>CARB; or</u> <u>INCIN</u> | <u>CMBST</u> |
| <u>P102</u> <u>Propargyl alcohol</u> <u>Propargyl alcohol</u> | <u>107-19-7</u> | <u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARB; or</u> <u>INCIN</u> | <u>CMBST</u> | | <u>P112</u> <u>Tetranitromethane</u> <u>Tetranitromethane</u> | <u>509-14-8</u> | <u>CHOXD; CHRED;</u> <u>CARB; BIODG;</u> <u>or INCIN</u> | <u>CHOXD; CHRED;</u> <u>or CMBST</u> |
| <u>P103</u> <u>Selenourea</u> <u>Selenium</u> | <u>7782-49-2</u> | <u>0.82</u> | <u>0.16 mg/l TCLP</u> | | <u>P113</u> <u>Thallic oxide</u> <u>Thallium (measured in</u> <u>wastewaters only)</u> | <u>7440-28-0</u> | <u>1.4</u> | <u>RTHRM; or</u> <u>STABL</u> |

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| | | | |
|---|--------------------|--|---------------------------|
| P114 Thallium selenite Selenium | 7782-49-2 | 0.82 | 0.16mg/l TCLP |
| P115 Thallium (I) sulfate Thallium (measured in wastewaters only) | 7440-28-0 | 1.4 | RTHRM; or STABL |
| P116 Thiosemicarbazide Thiosemicarbazide | 79-19-6 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN |
| P118 Trichloromethanethiol Trichloromethanethiol | 75-70-7 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN |
| P119 Ammonium vanadate Vanadium (measured in wastewaters only) | 7440-62-2 | 4.3 | STABL |
| P120 Vanadium pentoxide Vanadium (measured in wastewaters only) | 7440-62-2 | 4.3 | STABL |
| P121 Zinc cyanide Cyanides (Total)(7) Cyanides (Amenable)(7) | 57-12-5 57-12-5 | 1.2 0.86 | 590 30 |
| P122 Zinc phosphide Zn(1)P(2), when present at concentrations greater than 10% Zinc Phosphide | 1314-84-7 | CHOXD; CHRED; or INCIN | CHOXD; CHRED; or INCIN |
| P123 Toxaphene Toxaphene | 8001-35-2 | 0.0095 | 2.6 |
| U001 Acrylonitrile | | | |

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|---|---------------|--|--------------|
| Acetaldehyde Acetaldehyde | 75-07-0 | (WETOX or CHOXD) fb CARBN; or INCIN | CMBST |
| U002 Acetone Acetone | 67-64-1 | 0.28 | 160 |
| U003 Acetonitrile Acetonitrile Acetonitrile; alternate(6)u75-05-8 standard for nonwastewaters only | 75-05-8 NA | 5.6 NA | INCIN 1.8 |
| U004 Acetophenone Acetophenone | 98-86-2 | 0.010 | 9.7 |
| U005 2-Acetylaminofluorene 2-Acetylaminofluorene | 53-96-3 | 0.059 | 140 |
| U006 Acetyl chloride Acetyl chloride | 75-36-5 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN |
| U007 Acrylamide Acrylamide | 79-06-1 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN |
| U008 Acrylic acid Acrylic acid | 79-10-7 | (WETOX or CHOXD) fb CARBN; or INCIN | CMBST |

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|------------------------|-----------------|--|-----------|
| <u>Acrylonitrile</u> | <u>107-13-1</u> | <u>0.24</u> | <u>84</u> |
| <u>U010</u> | | | |
| <u>Mitomycin C</u> | | | |
| <u>Mitomycin C</u> | <u>50-07-7</u> | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN |
| <u>U011</u> | | | |
| <u>Amitrole</u> | | | |
| <u>Amitrole</u> | <u>61-82-5</u> | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN |
| <u>U012</u> | | | |
| <u>Aniline</u> | | | |
| <u>Aniline</u> | <u>62-53-3</u> | <u>0.81</u> | <u>14</u> |
| <u>U014</u> | | | |
| <u>Auramine</u> | | | |
| <u>Auramine</u> | <u>492-80-8</u> | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN |
| <u>U015</u> | | | |
| <u>Azaserine</u> | | | |
| <u>Azaserine</u> | <u>115-02-6</u> | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN |
| <u>U016</u> | | | |
| <u>Benz(c)acridine</u> | | | |
| <u>Benz(c)acridine</u> | <u>225-51-4</u> | (WETOX or CHOXD) fb CARBN; or INCIN | CMBST |
| <u>U017</u> | | | |
| <u>Benzal chloride</u> | | | |
| <u>Benzal chloride</u> | <u>98-87-3</u> | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN |

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|------------------------------------|-----------------|--|---------------------------|
| <u>U018</u> | | | |
| <u>Benz(a)anthracene</u> | | | |
| <u>Benz(a)anthracene</u> | <u>56-55-3</u> | <u>0.059</u> | <u>3.4</u> |
| <u>U-19</u> | | | |
| <u>Benzene</u> | | | |
| <u>Benzene</u> | <u>71-43-2</u> | <u>0.14</u> | <u>10</u> |
| <u>U020</u> | | | |
| <u>Benzenesulfonyl chloride</u> | | | |
| <u>Benzenesulfonyl chloride</u> | <u>98-09-9</u> | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN |
| <u>U021</u> | | | |
| <u>Benzidine</u> | | | |
| <u>Benzidine</u> | <u>92-87-5</u> | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN |
| <u>U022</u> | | | |
| <u>Benzo(a)pyrene</u> | | | |
| <u>Benzo(a)pyrene</u> | <u>50-32-8</u> | <u>0.061</u> | <u>3.4</u> |
| <u>U023</u> | | | |
| <u>Benzotrifluoride</u> | | | |
| <u>Benzotrifluoride</u> | <u>98-07-7</u> | CHOXD; CHRED; CARBN; BIODG; or INCIN | CHOXD; CHRED; or CMBST |
| <u>U024</u> | | | |
| <u>bis(2-Chloroethoxy)methane</u> | | | |
| <u>bis(2-Chloroethoxy)-methane</u> | <u>111-91-1</u> | <u>0.036</u> | <u>7.2</u> |
| <u>U025</u> | | | |
| <u>bis(2-Chloroethyl)ether</u> | | | |
| <u>bis(2-Chloroethyl)ether</u> | <u>111-44-4</u> | <u>0.033</u> | <u>6.0</u> |
| <u>U026</u> | | | |
| <u>Chlornaphazine</u> | | | |
| <u>Chlornaphazine</u> | <u>494-03-1</u> | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN |

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|---|------------|--|----------------|--|----------|--|-------|
| U027 bis(2-Chloroisopropyl)ether bis(2-Chloroisopropyl) ether | 39638-32-9 | 0.055 | 7.2 | U036 Chlordane Chlordane (alpha and gamma isomers) | 57-74-9 | 0.0033 | 0.26 |
| U028 bis(2-Ethylhexyl)phthalate bis(2-Ethylhexyl)- phthalate | 117-81-7 | 0.28 | 28 | U037 Chlorobenzene Chlorobenzene | 108-90-7 | 0.057 | 6.0 |
| U029 Methyl bromide (Bromomethane) Methyl bromide (Bromo- methane) | 74-83-9 | 0.11 | 15 | U038 Chlorobenzilate Chlorobenzilate | 510-15-6 | 0.10 | INCIN |
| U030 4-Bromophenyl phenyl ether 4-Bromophenyl phenyl ether | 101-55-3 | 0.055 | 15 | U039 p-Chloro-m-cresol p-Chloro-m-cresol | 59-50-7 | 0.018 | 14 |
| U031 n-Butyl alcohol n-Butyl alcohol | 71-36-3 | 5.6 | 2.6 | U041 Epichlorohydrin (1- Chloro-2,3-epoxypropane) Epichlorohydrin (1- Chloro-2,3-epoxypropane) | 106-89-8 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN |
| U032 Calcium chromate Chromium (Total) | 7440-47-3 | 2.77 | 0.86 mg/l TCUP | U042 2-Chloroethyl vinyl ether 2-Chloroethyl vinyl ether | 110-75-8 | 0.062 | INCIN |
| U033 Carbon oxyfluoride Carbon oxyfluoride | 353-50-4 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN | U043 Vinyl chloride Vinyl chloride | 75-01-4 | 0.27 | 6.0 |
| U034 Trichloroacetaldehyde (Chloral) Trichloroacetaldehyde (Chloral) | 75-87-6 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN | U044 Chloroform Chloroform | 67-66-3 | 0.046 | 6.0 |
| U035 Chlorambucil Chlorambucil | 305-03-3 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN | U045 Chloromethane (Methyl chloride) Chloromethane (Methyl chloride) | 74-87-3 | 0.19 | 30 |
| | | | | U046 Chloromethyl methyl ether Chloromethyl methyl ether | 107-30-2 | (WETOX or CHOXD) fb | INCIN |

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|--|-------------------------------|--|-------------------------------|--|
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| U047 | | | | |
| 2-Chloronaphthalene | | | | |
| 2-Chloronaphthalene | | | | |
| U048 | | | | |
| 2-Chlorophenol | | | | |
| 2-Chlorophenol | | | | |
| U049 | | | | |
| 4-Chloro-o-toluidine | | | | |
| hydrochloride | | | | |
| 4-Chloro-o-toluidine | | | | |
| hydrochloride | | | | |
| U050 | | | | |
| Chrysene | | | | |
| Chrysene | | | | |
| U051 | | | | |
| Creosote | | | | |
| Naphthalene | | | | |
| Pentachlorophenol | | | | |
| Phenanthrene | | | | |
| Pyrene | | | | |
| Toluene | | | | |
| Xylenes-mixed isomers | | | | |
| (sum of o-, m-, and p- xylene concentrations) | | | | |
| Lead | | | | |
| U052 | | | | |
| Cresols (Cresylic acid) | | | | |
| o-Cresol | | | | |
| m-Cresol (difficult to distinguish from p- cresol) | | | | |
| p-Cresol (difficult to distinguish from m- cresol) | | | | |
| Cresol-mixed isomers | | | | |
| (Cresylic acid) | | | | |
| (sum of o-, m-, and p- cresol concentrations) | | | | |
| U053 | | | | |
| Crotonaldehyde | | | | |
| Crotonaldehyde | | | | |
| U054 | | | | |
| Cumene | | | | |
| Cumene | | | | |
| U055 | | | | |
| Cyclohexane | | | | |
| Cyclohexane | | | | |
| U056 | | | | |
| Cyclohexanone | | | | |
| Cyclohexanone | | | | |
| U057 | | | | |
| Cyclohexanone | | | | |
| Cyclohexanone | | | | |
| U058 | | | | |
| Cyclophosphamide | | | | |
| Cyclophosphamide | | | | |
| U059 | | | | |
| Daunomycin | | | | |
| Daunomycin | | | | |
| U060 | | | | |
| DDD | | | | |
| o,p'-DDD | | | | |
| p,p'-DDD | | | | |
| U061 | | | | |
| DDT | | | | |
| o,p'-DDT | | | | |

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P,p'-DDT
o,p'-DDD
p,p'-DDD
o,p'-DDE
p,p'-DDE

50-29-3
53-19-0
72-54-8
3424-82-6
72-55-9

0.0039
0.023
0.023
0.031
0.031

0.087
0.087
0.087
0.087
0.087

U062

Diallate
Diallate

2303-16-4

(WETOX or
CHOXD) fb
CARBN; or
INCIN

INCIN

U063

Dibenz(a,h)anthracene
Dibenz(a,h)anthracene

53-70-3

0.055

8.2

U064

Dibenz(a,i)pyrene
Dibenz(a,i)pyrene

189-55-9

(WETOX or
CHOXD) fb
CARBN; or
INCIN

CMBST

U066

1,2-Dibromo-3-chloro-
propane 1,2-Dibromo-30
chloropropane

96-12-8

0.11

15

U067

Ethylene dibromide (1,2-Dibromoethane)
Ethylene dibromide (1,2- 106-93-4
Dibromoethane)

0.028

15

U068

Dibromomethane
Dibromomethane)

74-95-3

0.11

15

U069

Di-n-butyl phthalate
Di-n-butyl phthalate

84-74-2

0.057

28

U070

o-Dichlorobenzene
o-Dichlorobenzene

95-50-1

0.088

6.0

U071

m-Dichlorobenzend

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m-Dichlorobenzend

541-73-1

0.036

6.0

U072

p-Dichlorobenzend

106-46-7

0.090

6.0

U073

3,3'-Dichlorobenzidine
3,3'-Dichlorobenzidine

91-94-1

(WETOX or
CHOXD) fb
CARBN; or
INCIN

INCIN

U074

1,4-Dichloro-2-butene
cis-1,4-Dichloro-2-
butene

1476-11-5

(WETOX or
CARBN; or
INCIN

INCIN

trans-1,4-Dichloro-2-
butene

764-41-0

(WETOX or
CHOXD) fb
INCIN

INCIN

U075

Dichlorodifluoromethane
Dichlorodifluoromethane

75-71-8

0.23

7.2

U076

1,1-Dichloroethane
1,1-Dichloroethane

75-34-3

0.059

6.0

U077

1,2-Dichloroethane
1,2-Dichloroethane

107-06-2

0.21

6.0

U078

1,1-Dichloroethylene
1,1-Dichloroethylene

75-35-4

0.025

6.0

U079

1,2-Dichloroethylene
trans-1,2-Dichloro-
ethylene

156-60-5

0.054

30

U080

Methylene chloride
Methylene chloride

75-09-2

0.089

30

U081

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|---|--|--|----------|
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| 2,4-Dichlorophenol 2,4-Dichlorophenol | 120-83-2 | Dihydrosafrole Dihydrosafrole | 94-58-6 |
| U082 | 0.044 | (WETOX or CHOXD) fb CARBN; or INCIN | CMBST |
| 2,6-Dichlorophenol 2,6-Dichlorophenol | 87-65-0 | U091 | |
| U083 | 0.044 | 3,3'-Dimethoxybenzidine 3,3'-Dimethoxybenzidine | 119-90-4 |
| 1,2-Dichloropropane 1,2-Dichloropropane | 78-87-5 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN |
| U084 | 0.85 | | |
| 1,3-Dichloropropylene cis-1,3-Dichloro- propylene | 10061-01-5 | U092 | |
| trans-1,3-Dichlorol propylene | 10061-02-6 | Dimethylamine Dimethylamine | 124-40-3 |
| U085 | 0.036 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN |
| 1,2,3,4-Diepoxybutane 1,2,3,4-Diepoxybutane | 1464-53-5 | U093 | |
| U086 | (WETOX or CHOXD) fb CARBN; or INCIN | p-Dimethylaminoazobenzene p-Dimethyl- aminoazobenzene | 60-11-7 |
| U087 | CMBST | U094 | |
| N,N'-Diethylhydrazine N,N'-Diethylhydrazine | 1615-80-1 | 7,12-Dimethylbenz(a) anthracene 7,12-Dimethylbenz(a)- anthracene | 57-97-6 |
| U088 | CHOXD; CHRED; CARBN; BIODG; or INCIN | U095 | |
| 0,0-Diethyl S-methyldithiophosphate 0,0-Diethyl S-methyl- dithiophosphate | 3788-58-2 | 3,3'-Dimethylbenzidine 3,3'-Dimethylbenzidine | 119-93-7 |
| U089 | CARBAN; or INCIN | U096 | |
| Diethyl phthalate Diethyl phthalate | 84-66-2 | alpha, alpha-Dimethyl benzyl hydroperoxide alpha, alpha-Dimethyl benzyl hydroperoxide | 80-15-9 |
| U090 | 0.20 | U097 | |
| Diethyl stilbestrol Diethyl stilbestrol | 56-53-1 | Dimethylcarbamoyl chloride Dimethylcarbamoyl chloride | 79-44-7 |
| U091 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN | INCIN |
| | | CHOXD; CHRED; CARBN; BIODG; or CMBST | |

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|--|-----------------|--|---|--|--|
| U098 <u>1,1-Dimethylhydrazine</u> <u>1,1-Dimethylhydrazine</u> | <u>57-14-7</u> | <u>CHOXD; CHRED;</u> <u>CARBEN; BIODG;</u> <u>or INCIN</u> | <u>CHOXD; CHRED;</u> <u>or CMBST</u> | | |
| U099 <u>1,2-Dimethylhydrazine</u> <u>1,2-Dimethylhydrazine</u> | <u>540-73-8</u> | <u>CHOXD; CHRED;</u> <u>CARBEN; BIODG;</u> <u>or INCIN</u> | <u>CHOXD; CHRED;</u> <u>or CMBST</u> | | |
| U101 <u>2,4-Dimethylphenol</u> <u>2,4-Dimethylphenol</u> | <u>105-67-9</u> | <u>0.036</u> | <u>14</u> | | |
| U102 <u>Dimethyl phthalate</u> <u>Dimethyl phthalate</u> | <u>131-11-3</u> | <u>0.047</u> | <u>28</u> | | |
| U103 <u>Dimethyl sulfate</u> <u>Dimethyl sulfate</u> | <u>77-78-1</u> | <u>CHOXD; CHRED;</u> <u>CARBEN; BIODG;</u> <u>or INCIN</u> | <u>CHOXD; CHRED;</u> <u>or CMBST</u> | | |
| U105 <u>2,4-Dinitrotoluene</u> <u>2,4-Dinitrotoluene</u> | <u>121-14-2</u> | <u>0.32</u> | <u>140</u> | | |
| U106 <u>2,6-Dinitrotoluene</u> <u>2,6-Dinitrotoluene</u> | <u>606-20-2</u> | <u>0.55</u> | <u>28</u> | | |
| U107 <u>Di-n-octyl phthalate</u> <u>Di-n-octyl phthalate</u> | <u>117-84-0</u> | <u>0.017</u> | <u>28</u> | | |
| U108 <u>1,4-Dioxane</u> <u>1,4-Dioxane</u> | <u>123-91-1</u> | <u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBEN; or</u> <u>INCIN</u> <u>NA</u> | <u>CMBST</u> | | |
| <u>1,4-Dioxane; alternate</u> <u>(6) standard for</u> <u>nonwastewaters only</u> | <u>123-91-1</u> | | <u>170</u> | | |

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|---|-----------------|---|---|--|--|
| U109 <u>1,2-Diphenylhydrazine</u> <u>1,2-Diphenylhydrazine</u> | <u>122-66-7</u> | <u>CHOXD; CHRED;</u> <u>CARBEN; BIODG;</u> <u>or INCIN</u> <u>0.087</u> <u>NA</u> | <u>CHOXD; CHRED;</u> <u>or CMBST</u> | | |
| <u>1,2-Diphenylhydrazine;</u> <u>alternate(6) standard</u> <u>for wastewaters only</u> | <u>122-66-7</u> | | | | |
| U110 <u>Dipropylamine</u> <u>Dipropylamine</u> | <u>142-84-7</u> | <u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBEN; or</u> <u>INCIN</u> | <u>INCIN</u> | | |
| U111 <u>Di-n-propylnitrosamine</u> <u>Di-n-propylnitrosamine</u> | <u>621-64-7</u> | <u>0.40</u> | <u>14</u> | | |
| U112 <u>Ethyl acetate</u> <u>Ethyl acetate</u> | <u>141-78-8</u> | <u>0.34</u> | <u>33</u> | | |
| U113 <u>Ethyl acrylate</u> <u>Ethyl acrylate</u> | <u>140-88-8</u> | <u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBEN; or</u> <u>INCIN</u> | <u>CMBST</u> | | |
| U114 <u>Ethylenebisdithiocarb-</u> <u>amic acid salts and esters</u> <u>Ethylenebisdithio-</u> <u>Carbamic acid</u> | <u>111-54-6</u> | <u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBEN; or</u> <u>INCIN</u> | <u>INCIN</u> | | |
| U115 <u>Ethylene oxide</u> <u>Ethylene oxide;</u> | <u>75-21-8</u> | <u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBEN; or</u> <u>INCIN</u> <u>0.12</u> <u>NA</u> | <u>CHOXD; or</u> <u>INCIN</u> | | |
| <u>Ethylene oxide;</u> <u>alternate(6) standard for</u> <u>wastewaters only</u> | <u>75-21-8</u> | | | | |

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|---|---|--|----------------------------------|--|--|
| U116 <u>Ethylene thiourea</u> <u>Ethylene thiourea</u> | 96-45-7 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN | | |
| U117 <u>Ethyl ether</u> <u>Ethyl ether</u> | 60-29-7 | 0.12 | 160 | | |
| U118 <u>Ethyl methacrylate</u> <u>Ethyl methacrylate</u> | 97-63-2 | 0.14 | 160 | | |
| U119 <u>Ethyl methane sulfonate</u> <u>Ethyl methane sulfonate</u> | 62-50-0 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN | | |
| U120 <u>Fluoranthene</u> <u>Fluoranthene</u> | 206-44-0 | 0.068 | 3.4 | | |
| U121 <u>Trichloromonofluoromethane</u> <u>Trichloromonofluoro-</u> <u>methane</u> | 75-69-4 | 0.020 | .30 | | |
| U122 <u>Formaldehyde</u> <u>Formaldehyde</u> | 50-00-0 | (WETOX or CHOXD) fb CARBN; or INCIN | CMBST | | |
| U123 <u>Formic acid</u> <u>Formic acid</u> | 64-18-6 | (WETOX or CHOXD) fb CARBN; or INCIN | CMBST | | |
| U124 <u>Furan</u> <u>Furan</u> | 110-00-9 | (WETOX or | CMBST | | |
| U125 <u>Furfural</u> <u>Furfural</u> | 98-01-1 | (WETOX or CHOXD) fb CARBN; or INCIN | CMBST | | |
| U126 <u>Glycidylaldehyde</u> <u>Glycidylaldehyde</u> | 765-34-4 | (WETOX or CHOXD) fb CARBN; or INCIN | CMBST | | |
| U127 <u>Hexachlorobenzene</u> <u>Hexachlorobenzene</u> | 118-74-1 | 0.055 | 10 | | |
| U128 <u>Hexachlorobutadiene</u> <u>Hexachlorobutadiene</u> | 87-68-3 | 0.055 | 5.6 | | |
| U129 <u>Lindane</u> <u>alpha-BHC</u> <u>beta-BHC</u> <u>delta-BHC</u> <u>gamma-BHC (Lindane)</u> | 319-84-6 319-85-7 319-86-8 58-89-9 | 0.00014 0.00014 0.023 0.0017 | 0.066 0.066 0.066 0.066 | | |
| U130 <u>Hexachlorocyclopentadiene</u> <u>Hexachlorocyclopenta-</u> <u>diene</u> | 77-47-4 | 0.057 | 2.4 | | |
| U131 <u>Hexachloroethane</u> <u>Hexachloroethane</u> | 67-72-1 | 0.055 | 30 | | |
| U132 <u>Hexachlorophene</u> <u>Hexachlorophene</u> | 70-30-4 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN | | |

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| | | | | | | | |
|---|-------------------|--|---|---|------------------|--|-----------------------|
| <u>U133</u> <u>Hydrazine</u> <u>Hydrazine</u> | <u>302-01-2</u> | <u>CHOXD; CHRED;</u> <u>CARBN; BIODG;</u> <u>or INCIN</u> | <u>CHOXD; CHRED;</u> <u>or CMBST</u> | <u>U144</u> <u>Lead acetate</u> <u>Lead</u> | <u>7439-92-1</u> | <u>0.69</u> | <u>0.37 mg/l TCLP</u> |
| <u>U134</u> <u>Hydrogen fluoride</u> <u>Fluoride (measured in</u> <u>wastewaters only)</u> | <u>16964-48-8</u> | <u>35</u> | <u>ADGAS fb</u> <u>NEUTR; or</u> <u>NEUTR</u> | <u>U145</u> <u>Lead phosphate</u> <u>Lead</u> | <u>7439-92-1</u> | <u>0.69</u> | <u>0.37 mg/l TCLP</u> |
| <u>U135</u> <u>Hydrogen sulfide</u> <u>Hydrogen sulfide</u> | <u>7783-06-4</u> | <u>CHOXD; CHRED;</u> <u>or INCIN</u> | <u>CHOXD; CHRED;</u> <u>or INCIN</u> | <u>U146</u> <u>Lead subacetate</u> <u>Lead</u> | <u>7439-92-1</u> | <u>0.69</u> | <u>0.37 mg/l TCLP</u> |
| <u>U136</u> <u>Cacodylic acid</u> <u>Arsenic</u> | <u>7440-38-2</u> | <u>1.4</u> | <u>5.0 mg/l TCLP</u> | <u>U147</u> <u>Maleic anhydride</u> <u>Maleic anhydride</u> | <u>108-31-6</u> | <u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBN; or</u> <u>INCIN</u> | <u>CMBST</u> |
| <u>U137</u> <u>Indeno(1,2,3-cd)pyrene</u> <u>Indeno(1,2,3-cd)pyrene</u> | <u>193-39-5</u> | <u>0.0055</u> | <u>3.4</u> | <u>U148</u> <u>Maleic hydrazide</u> <u>Maleic hydrazide</u> | <u>123-33-1</u> | <u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBN; or</u> <u>INCIN</u> | <u>INCIN</u> |
| <u>U138</u> <u>Iodomethane</u> <u>Iodomethane</u> | <u>74-88-1</u> | <u>0.19</u> | <u>65</u> | <u>U149</u> <u>Malononitrile</u> <u>Malononitrile</u> | <u>109-77-3</u> | <u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBN; or</u> <u>INCIN</u> | <u>INCIN</u> |
| <u>U140</u> <u>Isobutyl alcohol</u> <u>Isobutyl alcohol</u> | <u>78-83-1</u> | <u>5.6</u> | <u>170</u> | <u>U150</u> <u>Melphalan</u> <u>Melphalan</u> | <u>148-82-3</u> | <u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBN; or</u> <u>INCIN</u> | <u>INCIN</u> |
| <u>U141</u> <u>Isosafrole</u> <u>Isosafrole</u> | <u>120-58-1</u> | <u>0.081</u> | <u>2.6</u> | <u>U151</u> <u>(mercury)</u> <u>total mercury.</u> | <u>7439-97-6</u> | <u>NA</u> | <u>RMERC</u> |
| <u>U142</u> <u>Kepon</u> <u>Kepon</u> | <u>143-50-8</u> | <u>0.0011</u> | <u>0.13</u> | <u>U151</u> <u>(mercury)</u> <u>total mercury.</u> | <u>7439-97-6</u> | <u>NA</u> | <u>RMERC</u> |
| <u>U143</u> <u>Lasiocarpine</u> <u>Lasiocarpine</u> | <u>303-34-4</u> | <u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBN; or</u> <u>INCIN</u> | <u>INCIN</u> | <u>U151</u> <u>(mercury)</u> <u>total mercury.</u> | <u>7439-97-6</u> | <u>NA</u> | <u>RMERC</u> |

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|------|---------------------------------------|-----------|--------|--|
| U157 | 3-Methylcholanthrene | 56-49-5 | 0.0055 | 15 |
| U158 | 4,4'-Methylene bis(2-chloroaniline) | 101-14-4 | 0.50 | 30 |
| U159 | Methyl ethyl ketone | 78-93-3 | 0.28 | 36 |
| U160 | Methyl ethyl ketone peroxide | 1339-23-4 | | CHOXD: CHRED; CARBN: BIODG; or INCIN |
| U161 | Methyl isobutyl ketone | 108-10-1 | 0.14 | 33 |
| U162 | Methyl methacrylate | 80-62-6 | 0.14 | 160 |
| U163 | N-Methyl-N'-nitro-N-nitrosoquianidine | 70-25-7 | | INCIN |
| U164 | Methylthiouracil | 56-04-2 | | INCIN |
| U165 | Naphthalene | 91-20-3 | 0.059 | 5.6 |
| U166 | 1,4-Naphthoquinone | 130-15-4 | | CMBST |

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| | | | | |
|---------|---|----------|-----------------|-------|
| Mercury | 7439-97-6 | NA | 0.20 mg/l TCLP | |
| U151 | U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are not residues from RMERC only. | NA | 0.025 mg/l TCLP | |
| U151 | All U151 (mercury) wastewater. | NA | | |
| U151 | Element Mercury Contaminated with Radioactive Materials | NA | | |
| U152 | Methacrylonitrile | 126-98-7 | 0.24 | 84 |
| U153 | Methanethiol | 74-93-1 | | INCIN |
| U154 | Methanol | 67-56-1 | | CMBST |
| U154 | Methanol; alternate(6) set of standards for both wastewaters and nonwastewaters | 67-56-1 | 0.75 mg/l TCLP | |
| U155 | Methapyrilene | 91-80-5 | 0.081 | 1.5 |
| U156 | Methyl chlorocarbonate | 79-22-1 | | INCIN |

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(WETOX or
CHOXD) fb
CARBN; or
INCIN

U167

1-Naphthylamine

1-Naphthylamine

134-32-7

INCIN

(WETOX or
CHOXD) fb
CARBN; or
INCIN

U168

2-Naphthylamine

2-Naphthylamine

91-59-8

INCIN

0.52

U169

Nitrobenzene

Nitrobenzene

98-95-3

14

0.068

U170

p-Nitrophenol

p-Nitrophenol

100-02-7

29

0.12

U171

2-Nitropropane

2-Nitropropane

79-46-9

INCIN

(WETOX or
CHOXD) fb
CARBN; or
INCIN

U172

N-Nitrosodi-n-butylamine

N-Nitrosodi-n-

butylamine

924-16-3

17

0.40

U173

N-Nitrosodiethanamine

N-Nitrosodiethanola-

mine

1116-51-7

INCIN

(WETOX or
CHOXD) fb
CARBN; or
INCIN

U174

N-Nitrosodiethylamine

N-Nitrosodiethylamine

55-18-5

28

0.40

U176

N-Nitrosodi-n-butylurea

N-Nitrosodi-n-butylurea

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(WETOX or
CHOXD) fb
CARBN; or
INCIN

N-Nitroso-N-ethylurea

759-73-9

INCIN

U177

N-Nitroso-N-methylurea

N-Nitroso-N-methylurea

684-93-5

INCIN

(WETOX or
CHOXD) fb
CARBN; or
INCIN

U178

N-Nitroso-N-methylurethane

N-Nitroso-N-methyl-

urethane

615-53-2

INCIN

(WETOX or
CHOXD) fb
CARBN; or
INCIN

U179

N-Nitrosopiperidine

N-Nitrosopiperidine

100-75-4

35

0.013

U180

N-Nitrosopyrrolidine

N-Nitrosopyrrolidine

930-55-2

35

0.013

U181

5-Nitro-o-toluidine

5-Nitro-o-toluidine

99-55-8

28

0.32

U182

Paraldehyde

Paraldehyde

123-63-7

CMBST

(WETOX or
CHOXD) fb
CARBN; or
INCIN

U183

Pentachlorobenzene

Pentachlorobenzene

608-93-5

10

0.055

U184

Pentachloroethane

Pentachloroethane

76-01-7

INCIN

(WETOX or
CHOXD) fb
CARBN; or
INCIN

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Pentachloroethane: 76-01-7 0.055
alternate(6) standards for
both wastewaters and
nonwastewaters

6.0

U185

Pentachloronitrobenzene

Pentachloronitrobenzene 82-68-8

4.8

U186

1,3-Pentadiene

1,3-Pentadiene 504-60-9

CMBST

(WETOX or
CHOXD) fb
CARBN; or
INCIN

U187

Phenacetin

Phenacetin 62-44-2

16

U188

Phenol

Phenol 108-95-2

6.2

U189

Phosphorus sulfide

Phosphorus sulfide 1314-80-3

CHOXD; CHRED;
or INCIN

CHOXD; CHRED;
or INCIN

U190

Phthalic anhydride

Phthalic anhydride

(measured as Phthalic

acid or Terephthalic

acid)

Phthalic anhydride 100-21-0

28

0.055

U191

2-Picoline

2-Picoline 109-06-8

INCIN

(WETOX or
CHOXD) fb
CARBN; or
INCIN

U192

Pronamide

Pronamide 23950-58-5

1.5

0.093

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U193
1,3-Propane sultone
1,3-Propane sultone 1120-71-4

(WETOX or
CHOXD) fb
CARBN; or
INCIN

INCIN

U194

n-Propylamine

n-Propylamine 107-10-8

(WETOX or
CHOXD) fb
CARBN; or
INCIN

INCIN

U196

Pyridine

Pyridine 110-86-1

16

0.014

U197

p-Benzquinone

p-Benzquinone 106-51-4

(WETOX or
CHOXD) fb
CARBN; or
INCIN

CMBST

U200

Reserpine

Reserpine 50-55-5

(WETOX or
CHOXD) fb
CARBN; or
INCIN

INCIN

U201

Resorcinol

Resorcinol 108-46-3

(WETOX or
CHOXD) fb
CARBN; or
INCIN

CMBST

U202

Saccharin and salts

Saccharin 81-07-2

(WETOX or
CHOXD) fb
CARBN; or
INCIN

INCIN

U203

Safrole

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Safrole 94-59-7 0.081 22

U204

Selenium dioxide

Selenium 7782-49-2 0.82 0.16 mg/l TCLP

U205

Selenium sulfide

Selenium 7782-49-2 0.82 0.16 mg/l TCLP

U206

Streptozotocin

Streptozotocin 18883-66-4 (WETOX or CHOXD) fb CARBN; or INCIN

U207

1,2,4,5-Tetrachlorobenzene

1,2,4,5-Tetrachloro-

benzene 95-94-3 0.055 14

U208

1,1,1,2-Tetrachloroethane

1,1,1,2-Tetrachloro-

ethane 630-20-6 0.057 6.0

U209

1,1,1,2-Tetrachloroethane

1,1,1,2-Tetrachloro-

ethane 79-34-5 0.057 6.0

U210

Tetrachloroethylene

Tetrachloroethylene 127-18-4 0.056 6.0

U211

Carbon tetrachloride

Carbon tetrachloride 56-23-5 0.057 6.0

U213

Tetrahydrofuran

Tetrahydrofuran 109-99-9 (WETOX or CHOXD) fb CARBN; or INCIN

U214

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Thallium (I) acetate
Thallium (measured in
wastewaters only) 7440-28-0 1.4 RTHRM; or STABL

U215

Thallium (I) carbonate
Thallium (measured in
wastewaters only) 7440-28-0 1.4 RTHRM; or STABL

U216

Thallium (I) chloride
Thallium (measured in
wastewaters only) 7440-28-0 1.4 RTHRM; or STABL

U217

Thallium (I) nitrate
Thallium (measured in
wastewaters only) 7440-28-0 1.4 RTHRM; or STABL

U218

Thioacetamide
Thioacetamide 62-55-5 (WETOX or CHOXD) fb CARBN; or INCIN

U219

Thiourea
Thiourea 62-56-6 (WETOX or CHOXD) fb CARBN; or INCIN

U220

Toluene
Toluene 108-88-3 0.080 1.0

U221

Toluenediamine
Toluenediamine 25376-45-8 CARBN; or INCIN

U222

o-Toluidine hydrochloride
o-Toluidine hydro-
chloride 636-21-5 (WETOX or CHOXD) fb CARBN; or INCIN

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| | | | | |
|------------------------------------|------------|--|-------|--|
| U223 | | | | |
| Toluene diisocyanate | 26471-62-5 | CARBN; or INCIN | CMBST | |
| U225 | | | | |
| Bromoform (Tribromomethane) | 75-25-2 | 0.63 | 15 | |
| U226 | | | | |
| 1,1,1-Trichloroethane | 71-55-6 | 0.054 | 6.0 | |
| U227 | | | | |
| 1,1,2-Trichloroethane | 79-00-5 | 0.054 | 6.0 | |
| U228 | | | | |
| Trichloroethylene | 79-01-6 | 0.054 | 6.0 | |
| U234 | | | | |
| 1,3,5-Trinitrobenzene | 99-35-4 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN | |
| U235 | | | | |
| tris-(2,3-Dibromopropyl)-phosphate | 126-72-7 | 0.11 | 0.10 | |
| U236 | | | | |
| Trypan Blue | 72-57-1 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN | |
| U237 | | | | |
| Uracil mustard | 66-75-1 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN | |

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| | | | | |
|---|-----------|--|---------------------------|--|
| U238 | | | | |
| Urethane (Ethyl carbamate) | 51-79-6 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN | |
| U239 | | | | |
| Xylenes | 1330-20-7 | 0.32 | 30 | |
| Xylenes-mixed isomers (sum of o-,m-,and p- xylene concentrations) | | | | |
| U240 | | | | |
| 2,4-D (2,4-Dichlorophenoxyacetic acid) | 94-75-7 | 0.72 | 10 | |
| 2,4-D (2,4-Dichloro- phenoxyacetic acid) | NA | (WETOX or CARBN; or CHOXD) fb INCIN | INCIN | |
| U243 | | | | |
| Hexachloropropylene | 1888-71-7 | 0.035 | 30 | |
| U244 | | | | |
| Thiram | 137-26-8 | (WETOX or CHOXD) fb CARBN; or INCIN | INCIN | |
| U246 | | | | |
| Cyanogen bromide | 506-68-3 | CHOXD; WETOX; or INCIN | CHOXD; WETOX; or INCIN | |
| U247 | | | | |
| Methoxychlor | 72-43-5 | 0.25 | 0.18 | |
| U248 | | | | |
| Warfarin, & salts, when present at concentrations of 0.3% or less | 81-81-2 | (WETOX or CHOXD) fb CARBN; or INCIN | CMBST | |

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- U249 Zinc phosphide, Zn[3]P[2], when present at concentrations of 10% or less
Zinc Phosphide
1314-84-7 CHOXD; CHRED; CHOXD; CHRED;
or INCIN or INCIN
- U328 o-Toluidine
o-Toluidine
95-53-4 INCIN; or INCIN; or
CHOXD fb Thermal
(BIODG or Destruction
CARBN); or
BIODG fb CARBN
- U353 p-Toluidine
p-Toluidine
1-6-49-0 INCIN; or INCIN; or
CHOXD fb Thermal
(BIODG or Destruction
CARBN); or
BIODG fb CARBN
- U359 2-Ethoxyethanol
2-Ethoxyethanol
110-80-5 INCIN; or CMBST
CHOXD fb
(BIODG or
CARBN); or
BIODG fb CARBN
- Notes:
- The waste descriptions provided in this table do not replace waste descriptions in 35 Ill. Adm. Code 721. Descriptions of Treatment or Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.
 - CAS means Chemical Abstract Services. When the waste code and/or regulated constituents are described as a combination of a chemical with its salts and/or esters, the CAS number is given for the parent compound only.
 - Concentration standards for wastewaters are expressed in mg/l are based on analysis of composite samples.
 - All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in 35 Ill. Adm. Code 728. Table C, "Technology Codes and Description of Technology-Based Standards". "fb" inserted between waste codes denotes "followed by", so that the

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- first-listed treatment is followed by the second-listed treatment. "; " separates alternative treatment schemes.
- 5 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 35 Ill. Adm. Code 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.
- 6 Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment or Regulatory Subcategory or physical form (i.e., wastewater and/or nonwastewater) specified for that alternate standard.
- 7 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical or Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.
- NA means not applicable.
- (Source: Added at 19 Ill. Reg. _____, effective _____)

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Section 728. TABLE U Universal Treatment Standards (UMS)

| Regulated Constituent-- Common Name | CAS(1) No. | Wastewater Standard Concentration (in mg/kg(3) unless noted as "mg/l TCLP") | Nonwastewater Standard Concentration (in mg/kg(3) unless noted as "mg/l TCLP") |
|--|-----------------|--|---|
| Acenaphthylene | <u>208-96-8</u> | <u>0.059</u> | <u>3.4</u> |
| Acenaphthene | <u>83-32-9</u> | <u>0.059</u> | <u>3.4</u> |
| Acetone | <u>67-64-1</u> | <u>0.28</u> | <u>160</u> |
| Acetonitrile | <u>75-05-8</u> | <u>5.6</u> | <u>1.8</u> |
| Acetophenone | <u>96-86-2</u> | <u>0.010</u> | <u>9.7</u> |
| 2-Acetylaminofluorene | <u>53-96-3</u> | <u>0.059</u> | <u>140</u> |
| Acrolein | <u>107-02-8</u> | <u>0.29</u> | <u>NA</u> |
| Acrylamide | <u>79-06-1</u> | <u>19</u> | <u>23</u> |
| Acrylonitrile | <u>107-13-1</u> | <u>0.24</u> | <u>84</u> |
| Aldrin | <u>309-00-2</u> | <u>0.021</u> | <u>0.066</u> |
| 4-Aminobiphenyl | <u>92-67-1</u> | <u>0.13</u> | <u>NA</u> |
| Aniline | <u>62-53-3</u> | <u>0.81</u> | <u>14</u> |
| Anthracene | <u>120-12-7</u> | <u>0.059</u> | <u>3.4</u> |
| Aramite | <u>140-57-8</u> | <u>0.36</u> | <u>NA</u> |
| alpha-BHC | <u>319-84-6</u> | <u>0.00014</u> | <u>0.066</u> |
| beta-BHC | <u>319-85-7</u> | <u>0.00014</u> | <u>0.066</u> |
| bis(2-Chloro-ethoxy)methane | <u>111-91-1</u> | <u>0.036</u> | <u>7.2</u> |
| bis(2-Chloroethyl) ether | <u>111-44-4</u> | <u>0.033</u> | <u>6.0</u> |
| Chloroform | <u>67-66-3</u> | <u>0.046</u> | <u>6.0</u> |

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| | | | |
|---|------------------|--------------|----------------------|
| bis(2-Chloro-isopropyl)ether | <u>108-60-1</u> | <u>0.055</u> | <u>7.2</u> |
| p-Chloro-m-cresol | <u>59-50-7</u> | <u>0.018</u> | <u>14</u> |
| 2-Chloroethyl vinyl ether | <u>110-75-8</u> | <u>0.062</u> | <u>NA</u> |
| Chloromethane (Methyl chloride) | <u>74-87-3</u> | <u>0.19</u> | <u>30</u> |
| 2-Chloronaphthalene | <u>91-58-7</u> | <u>0.055</u> | <u>5.6</u> |
| 2-Chlorophenol | <u>95-57-8</u> | <u>0.044</u> | <u>5.7</u> |
| 3-Chloropropylene | <u>107-05-1</u> | <u>0.036</u> | <u>30</u> |
| Chrysene | <u>218-01-9</u> | <u>0.059</u> | <u>3.4</u> |
| o-Cresol | <u>95-48-7</u> | <u>0.11</u> | <u>5.6</u> |
| m-Cresol (difficult to distinguish from p-cresol) | <u>108-39-4</u> | <u>0.77</u> | <u>5.6</u> |
| p-Cresol (difficult to distinguish from m-cresol) | <u>106-44-5</u> | <u>0.77</u> | <u>5.6</u> |
| Cyclohexanone | <u>108-94-1</u> | <u>0.36</u> | <u>0.75mg/l TCLP</u> |
| 1,2-Dibromo-3-chloro-propane | <u>96-12-8</u> | <u>0.11</u> | <u>15</u> |
| Ethylene dibromide 1,2-Dibromoethane) | <u>106-93-4</u> | <u>0.028</u> | <u>15</u> |
| Dibromomethane | <u>74-95-3</u> | <u>0.11</u> | <u>15</u> |
| 2,4-D (2,4-Dichloro-phenoxyacetic acid) | <u>94-75-7</u> | <u>0.72</u> | <u>10</u> |
| p,p'-DDD | <u>53-19-0</u> | <u>0.023</u> | <u>0.087</u> |
| p,p'-DDD | <u>72-54-8</u> | <u>0.023</u> | <u>0.087</u> |
| o,p'-DDE | <u>3424-82-6</u> | <u>0.031</u> | <u>0.087</u> |

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| <u>Ethyl ether</u> | <u>60-29-7</u> | <u>0.12</u> | <u>160</u> | <u>Methacrylonitrile</u> | <u>126-98-7</u> | <u>0.24</u> | <u>84</u> |
| <u>bis(2-Ethylhexyl) phthalate</u> | <u>117-81-7</u> | <u>0.28</u> | <u>28</u> | <u>Methanol</u> | <u>67-56-1</u> | <u>5.6</u> | <u>0.75 mg/l TCLP</u> |
| <u>Ethyl methacrylate</u> | <u>97-63-2</u> | <u>0.14</u> | <u>160</u> | <u>Methapyrilene</u> | <u>91-80-5</u> | <u>0.081</u> | <u>1.5</u> |
| <u>Ethylene oxide</u> | <u>75-21-8</u> | <u>0.12</u> | <u>NA</u> | <u>Methoxychlor</u> | <u>72-43-5</u> | <u>0.25</u> | <u>0.18</u> |
| <u>Famphur</u> | <u>52-85-7</u> | <u>0.017</u> | <u>15</u> | <u>3-Methylcholanthrene</u> | <u>56-49-5</u> | <u>0.0055</u> | <u>15</u> |
| <u>Fluoranthene</u> | <u>206-44-0</u> | <u>0.068</u> | <u>3.4</u> | <u>4,4-Methylene bis(2-chloroaniline)</u> | <u>101-14-4</u> | <u>0.50</u> | <u>30</u> |
| <u>Fluorene</u> | <u>86-73-7</u> | <u>0.059</u> | <u>3.4</u> | <u>Methylene chloride</u> | <u>75-09-2</u> | <u>0.089</u> | <u>30</u> |
| <u>Heptachlor</u> | <u>76-44-8</u> | <u>0.0012</u> | <u>0.066</u> | <u>Methyl ethyl ketone</u> | <u>78-93-3</u> | <u>0.28</u> | <u>36</u> |
| <u>Heptachlor epoxide</u> | <u>1024-57-3</u> | <u>0.016</u> | <u>0.066</u> | <u>Methyl isobutyl ketone</u> | <u>108-10-1</u> | <u>0.14</u> | <u>33</u> |
| <u>Hexachlorobenzene</u> | <u>118-74-1</u> | <u>0.055</u> | <u>10</u> | <u>Methyl methacrylate</u> | <u>80-62-6</u> | <u>0.14</u> | <u>160</u> |
| <u>Hexachlorobutadiene</u> | <u>87-68-3</u> | <u>0.055</u> | <u>5.6</u> | <u>Methyl methansulfonate</u> | <u>66-27-3</u> | <u>0.018</u> | <u>NA</u> |
| <u>Hexachloro- cyclopentadiene</u> | <u>77-47-4</u> | <u>0.057</u> | <u>2.4</u> | <u>Methyl parathion</u> | <u>298-00-0</u> | <u>0.014</u> | <u>4.6</u> |
| <u>HxCDDs (All Hexachloro- dibenzo-p-dioxins)</u> | <u>NA</u> | <u>0.000063</u> | <u>0.001</u> | <u>Naphthalene</u> | <u>91-20-3</u> | <u>0.059</u> | <u>5.6</u> |
| <u>HxCDFs (All Hexachloro- dibenzofurans)</u> | <u>NA</u> | <u>0.000063</u> | <u>0.001</u> | <u>2-Naphthylamine</u> | <u>91-59-8</u> | <u>0.52</u> | <u>NA</u> |
| <u>Hexachloroethane</u> | <u>67-72-1</u> | <u>0.055</u> | <u>30</u> | <u>O-Nitroaniline</u> | <u>88-74-4</u> | <u>0.27</u> | <u>14</u> |
| <u>Hexachloropropylene</u> | <u>1888-71-7</u> | <u>0.035</u> | <u>30</u> | <u>p-Nitroaniline</u> | <u>100-01-6</u> | <u>0.028</u> | <u>28</u> |
| <u>Indeno (1,2,3-c,d) pyrene</u> | <u>193-39-5</u> | <u>0.0055</u> | <u>3.4</u> | <u>Nitrobenzene</u> | <u>98-95-3</u> | <u>0.068</u> | <u>14</u> |
| <u>Iodomethane</u> | <u>74-88-4</u> | <u>0.19</u> | <u>65</u> | <u>5-Nitro-o-toluidine</u> | <u>99-55-8</u> | <u>0.32</u> | <u>28</u> |
| <u>Isobutyl alcohol</u> | <u>78-83-1</u> | <u>5.6</u> | <u>170</u> | <u>O-Nitrophenol</u> | <u>88-75-5</u> | <u>0.028</u> | <u>13</u> |
| <u>Isodrin</u> | <u>465-73-6</u> | <u>0.021</u> | <u>0.066</u> | <u>p-Nitrophenol</u> | <u>100-02-7</u> | <u>0.12</u> | <u>29</u> |
| <u>Isosafrole</u> | <u>120-58-1</u> | <u>0.081</u> | <u>2.6</u> | <u>N-Nitrosodiethylamine</u> | <u>55-18-5</u> | <u>0.40</u> | <u>28</u> |
| <u>Kepone</u> | <u>143-50-8</u> | <u>0.0011</u> | <u>0.13</u> | <u>N-Nitrosodimethylamine</u> | <u>62-75-9</u> | <u>0.40</u> | <u>2.3</u> |
| | | | | <u>N-Nitroso-di-n-butyl- amine</u> | <u>924-16-3</u> | <u>0.40</u> | <u>14</u> |

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| <u>N-Nitrosomethylethyl-amine</u> | <u>10595-95-6</u> | <u>0.40</u> | <u>2.3</u> | <u>Silvex (2,4,5-TP)</u> | <u>93-72-1</u> | <u>0.72</u> | <u>7.9</u> |
| <u>N-Nitrosomorpholine</u> | <u>59-89-2</u> | <u>0.40</u> | <u>2.3</u> | <u>2,4,5-T (2,4,5-Trichloro-phenoxyacetic acid)</u> | <u>93-76-5</u> | <u>0.72</u> | <u>7.9</u> |
| <u>N-Nitrosopiperidine</u> | <u>100-75-4</u> | <u>0.013</u> | <u>35</u> | <u>1,2,4,5-Tetrachloro-benzene</u> | <u>95-94-3</u> | <u>0.055</u> | <u>14</u> |
| <u>N-Nitrosopyrrolidine</u> | <u>930-55-2</u> | <u>0.013</u> | <u>35</u> | <u>TCDDs (All Tetrachloro-dibenzo-p-dioxins)</u> | <u>NA</u> | <u>0.000063</u> | <u>0.001</u> |
| <u>Parathion</u> | <u>56-38-2</u> | <u>0.014</u> | <u>4.6</u> | <u>TCDFs (All Tetrachloro-dibenzofurans)</u> | <u>NA</u> | <u>0.000063</u> | <u>0.001</u> |
| <u>Total PCBs (sum of all PCB isomers, or all Aroclors)</u> | <u>1336-36-3</u> | <u>0.10</u> | <u>10</u> | <u>1,1,1,2-Tetrachloro-ethane</u> | <u>630-20-6</u> | <u>0.057</u> | <u>6.0</u> |
| <u>Pentachlorobenzene</u> | <u>608-93-5</u> | <u>0.055</u> | <u>10</u> | <u>1,1,2,2-Tetrachloro-ethane</u> | <u>79-34-6</u> | <u>0.057</u> | <u>6.0</u> |
| <u>PeCDDs (All Pentachloro-dibenzo-p-dioxins)</u> | <u>NA</u> | <u>0.000063</u> | <u>0.001</u> | <u>Tetrachloroethylene</u> | <u>127-18-4</u> | <u>0.056</u> | <u>6.0</u> |
| <u>PeCDFs (All Pentachloro-dibenzofurans)</u> | <u>NA</u> | <u>0.000035</u> | <u>0.001</u> | <u>2,3,4,6-Tetrachloro-phenol</u> | <u>58-90-2</u> | <u>0.030</u> | <u>7.4</u> |
| <u>Pentachloroethane</u> | <u>76-01-7</u> | <u>0.055</u> | <u>6.0</u> | <u>Toluene</u> | <u>108-88-3</u> | <u>0.080</u> | <u>10</u> |
| <u>Pentachloronitrobenzene</u> | <u>82-68-8</u> | <u>0.055</u> | <u>4.8</u> | <u>Toxaphene</u> | <u>8001-35-2</u> | <u>0.0095</u> | <u>2.6</u> |
| <u>Pentachlorophenol</u> | <u>87-86-5</u> | <u>0.089</u> | <u>7.4</u> | <u>Bromoform (Tribromo-methane)</u> | <u>75-25-2</u> | <u>0.63</u> | <u>15</u> |
| <u>Phenacetin</u> | <u>62-44-2</u> | <u>0.081</u> | <u>16</u> | <u>1,2,4-Trichlorobenzene</u> | <u>120-82-1</u> | <u>0.055</u> | <u>19</u> |
| <u>Phenanthrene</u> | <u>85-01-8</u> | <u>0.059</u> | <u>5.6</u> | <u>1,1,1-Trichloroethane</u> | <u>71-55-6</u> | <u>0.054</u> | <u>6.0</u> |
| <u>Phenol</u> | <u>108-95-2</u> | <u>0.039</u> | <u>6.2</u> | <u>1,1,2-Trichloroethane</u> | <u>79-00-5</u> | <u>0.054</u> | <u>6.0</u> |
| <u>Phorate</u> | <u>298-02-2</u> | <u>0.021</u> | <u>4.6</u> | <u>Trichloroethylene</u> | <u>79-01-6</u> | <u>0.054</u> | <u>6.0</u> |
| <u>Phthalic acid</u> | <u>100-21-0</u> | <u>0.055</u> | <u>28</u> | <u>Trichloromonofluoro-methane</u> | <u>75-69-4</u> | <u>0.020</u> | <u>30</u> |
| <u>Phthalic anhydride</u> | <u>85-44-9</u> | <u>0.055</u> | <u>28</u> | <u>2,4,5-Trichlorophenol</u> | <u>95-95-4</u> | <u>0.18</u> | <u>7.4</u> |
| <u>Pronamide</u> | <u>23950-58-5</u> | <u>0.093</u> | <u>1.5</u> | <u>2,4,6-Trichlorophenol</u> | <u>88-06-2</u> | <u>0.035</u> | <u>7.4</u> |
| <u>Pyrene</u> | <u>129-00-0</u> | <u>0.067</u> | <u>8.2</u> | | | | |
| <u>Pyridine</u> | <u>110-86-1</u> | <u>0.014</u> | <u>16</u> | | | | |
| <u>Safrole</u> | <u>94-59-7</u> | <u>0.081</u> | <u>22</u> | | | | |

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| <u>1,2,3-Trichloropropane</u> | <u>96-18-4</u> | <u>0.85</u> | <u>30</u> |
| <u>1,1,2-Trichloro-1,2,2-trifluoroethane</u> | <u>76-13-1</u> | <u>0.057</u> | <u>30</u> |
| <u>tris-(2,3-Dibromopropyl) phosphate</u> | <u>126-72-7</u> | <u>0.11</u> | <u>0.10</u> |
| <u>Vinyl chloride</u> | <u>75-01-4</u> | <u>0.27</u> | <u>6.0</u> |
| <u>Xylenes-mixed isomers sum of o-, m-, and p-xylene concentrations)</u> | <u>1330-20-7</u> | <u>0.32</u> | <u>30</u> |
| <u>Antimony</u> | <u>7440-36-0</u> | <u>1.9</u> | <u>2.1 mg/l TCLP</u> |
| <u>Arsenic</u> | <u>7440-38-2</u> | <u>1.4</u> | <u>5.0 mg/l TCLP</u> |
| <u>Barium</u> | <u>7440-39-3</u> | <u>1.2</u> | <u>7.6 mg/l TCLP</u> |
| <u>Beryllium</u> | <u>7440-41-7</u> | <u>0.82</u> | <u>0.014 mg/l TCLP</u> |
| <u>Cadmium</u> | <u>7440-43-9</u> | <u>0.69</u> | <u>0.19 mg/l TCLP</u> |
| <u>Chromium (Total)</u> | <u>7440-47-3</u> | <u>2.77</u> | <u>0.86 mg/l TCLP</u> |
| <u>Cyanides (Total)(4)</u> | <u>57-12-5</u> | <u>1.2</u> | <u>590</u> |
| <u>Cyanides (Amenable)(4)</u> | <u>57-12-5</u> | <u>0.86</u> | <u>30</u> |
| <u>Fluoride</u> | <u>16964-48-8</u> | <u>35</u> | <u>NA</u> |
| <u>Lead</u> | <u>7439-92-1</u> | <u>0.69</u> | <u>0.37 mg/l TCLP</u> |
| <u>Mercury-Nonwastewater from Retort</u> | <u>7439-97-6</u> | <u>NA</u> | <u>0.20 mg/l TCLP</u> |
| <u>Mercury-All Others</u> | <u>7439-97-6</u> | <u>0.15</u> | <u>0.025 mg/l TCLP</u> |
| <u>Nickel</u> | <u>7440-02-0</u> | <u>3.98</u> | <u>5.0 mg/l TCLP</u> |
| <u>Selenium</u> | <u>7782-49-2</u> | <u>0.82</u> | <u>0.16 mg/l TCLP</u> |
| <u>Silver</u> | <u>7440-22-4</u> | <u>0.43</u> | <u>0.30 mg/l TCLP</u> |
| <u>Sulfide</u> | <u>8496-25-8</u> | <u>14</u> | <u>NA</u> |
| <u>Thallium</u> | <u>7440-28-0</u> | <u>1.4</u> | <u>0.078 mg/l TCLP</u> |

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- Vanadium(5) 7440-62-2 4.3 0.23 mg/l TCLP
- Zinc(5) 7440-66-6 2.61 5.3 mg/l TCLP
- 1 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.
- 2 Concentration standards for wastewaters are expressed in mg/l are based on analysis of composite samples.
- 3 Except for metals (EP or TCLP) and cyanides (total and amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O or on combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 40 CFR 268.40(d). All concentration standards for nonwastewaters are based on analysis of grab samples.
- 4 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.
- 5 Vanadium and zinc are not "underlying hazardous constituents" in characteristic wastes, according to the definition at 35 Ill. Adm. Code 268.2(i).

Note: NA means not applicable.

(Source: Added at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Outline of Waste Disposal Regulations

2) Code citation: 35 Ill. Adm. Code 700

3) Section numbers: Proposed action:

700.106

Repealed

4) Statutory authority: 415 ILCS 5/13, 22.4 and 27.

5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of March 2, 1995, in R95-4 and R95-6 (consolidated), which opinion is available from the address below. Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) & 22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates Parts 700, 702, 703, 705, 720, 721, 722, 723, 724, 725, 726, 728, 730, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste and underground injection control (UIC) rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994. During this period, U.S. EPA amended its regulations as follows:

Federal Action

Summary

59 Fed. Reg. 38536, July 28, 1994
Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry

59 Fed. Reg. 43496, August 24, 1994
Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HWMR) of electric arc furnace dust (R061), steel finishing pickle liquor (R062), and electroplating sludges (F006) that are used in a manner constituting disposal

59 Fed. Reg. 47980, September 19, 1994
Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040

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59 Fed. Reg. 47982, September 19, 1994
Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)

59 Fed. Reg. 62896, December 6, 1994
Organic material air emission standards for tanks, surface impoundments, and containers

In addition to these principal amendments that occurred during the update period, the Board has included an additional, later action:

60 Fed. Reg. 242, January 3, 1995
Corrections to the Phase II land disposal restrictions (universal treatment standards)

This January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

1) The January 3, 1995 amendments are corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;

2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and

3) The Board has received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the later amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket.

In addition to the federally-derived amendments, the Board used this opportunity to undertake a number of housekeeping and corrective amendments. We have effected the removal of all cross-references for effective dates and repealed Part 700. We have converted equations and formulae to the standard scientific format. We have tried to improve the language and structure of various provisions, including correcting grammar, punctuation, and spelling where necessary.

Specifically, the segment of the amendments involved in the repeal of Part 700 remove regulations that had become outdated and superfluous with time. After recent amendments, the sole provision in this Part was Section 700.106, which set forth effective dates of segments of the Illinois UIC and RCRA Subtitle C programs. Associated proposed amendments to 35 Ill.

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Adm. Code 703, 705, 720 through 723, 725, and 730 would now thoroughly remove all references to Section 700.106 and obviate its further use, thus clearing the way for the repeal of Part 700.

6) Will this proposed rule replace an emergency rule currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date?: No.

8) Do these proposed repeal contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of statewide policy objectives:

This rulemaking is mandated by Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) & 22.4(a)]. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste or they engage in underground injection of waste.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R95-4/R95-6 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312/814-6931

Address all questions to Michael J. McCambridge, at 312/814-6924.

12) Initial regulatory flexibility analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 6, 1995.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses that generate, transport, treat, store, or dispose of

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hazardous waste or engage in underground injection of waste.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

The full text of the proposed repealer begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEAL

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER a: GENERAL PROVISIONS

PART 700

OUTLINE OF WASTE DISPOSAL REGULATIONS (REPEALED)

SUBPART A: GENERAL

Section
 700.101 Applicability (Repealed)
 700.102 Other Regulations (Repealed)
 700.103 Organization (Repealed)
 700.104 Intent and Purpose (Repealed)
 700.105 Interim Status (Repealed)
 700.106 Effective Dates (Repealed)
 700.107 Severability (Repealed)
 700.108 References to Federal Rules (Repealed)
 700.109 Permits Prior to Authorization (Repealed)

SUBPART B: DEFINITIONS

Section
 700.201 Definitions (Repealed)
 700.205 Act (Repealed)
 700.210 Chapter 7 Operating Requirements (Repealed)
 700.215 Chapter 7 Permits (Repealed)
 700.220 Chapter 9 Operating Requirements (Repealed)
 700.225 Chapter 9 Permits (Repealed)
 700.230 Conflict (Repealed)
 700.235 HWM (Repealed)
 700.240 Operating Requirements (Repealed)
 700.245 Permit Requirements (Repealed)
 700.250 RCRA Operating Requirements (Repealed)
 700.255 RCRA Permit (Repealed)
 700.260 RCRA Rules (Repealed)
 700.265 Subject To (Repealed)

SUBPART C: GENERATORS

Section
 700.301 Permits (Repealed)
 700.302 Operating Requirements (Repealed)
 700.303 Manifests (Repealed)
 700.304 Small Quantity Exemptions (Repealed)

SUBPART D: TRANSPORTERS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEAL

Section
 700.401 Permits (Repealed)
 700.402 Operating Requirements (Repealed)
 700.403 Manifests (Repealed)
 700.404 Small Quantity Exemptions (Repealed)

SUBPART E: OWNERS AND OPERATORS OF HWM SITES

Section
 700.501 Permits (Repealed)
 700.502 Operating Requirements (Repealed)
 700.503 Manifests (Repealed)
 700.504 Small Quantity Exemptions (Repealed)

SUBPART F: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

Section
 700.601 Hazardous (Infectious) Hospital Waste (Repealed)
 700.602 General Rule (Repealed)
 700.603 Generators (Repealed)
 700.604 Transporters (Repealed)
 700.605 Owners and Operators (Repealed)

Appendix A Applicability Provisions (Repealed)

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R81-32, 47 PCB 93, at 6 Ill. Reg. 12655, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518 effective February 22, 1983; amended in R82-19, at 7 Ill. Reg. 14457, effective October 12, 1983; amended in R83-24, at 8 Ill. Reg. 200, effective December 27, 1983; amended in R94-5 at 18 Ill. Reg. 18244, effective December 20, 1994; repealed in R95-6 at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 700.106 Effective Dates (Repealed)

a) B-8-BPA-granted-interim-authorizati-on-to-the-illinois-RCRA-Substitute-E Program-effective-May-17-1982-at-47-Ped-Reg-31043-(May-17-1982)-B-8-BPA-granted-final-authorizati-on-effective-January-31-1986-at-51-Ped-Reg-3778-(January-31-1986)-it the-effective-date-of-35-ill-Adm-Code-7307-7217-7227-7237-and 725-was-May-17-1982-

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

- 2) The effective date of 35 Ill. Adm. Code 702 and 705, to the extent they apply to the issuance of RCRA permits, was May 17, 1992, however, RCRA permits were not to be issued prior to January 31, 1986.
- 3) The effective date of 35 Ill. Adm. Code 703 and 724 was October 17, 1993, however, RCRA permits were not to be issued prior to January 31, 1986.
- b) U.S. EPA authorized the Illinois HIE program effective March 31, 1984, at 49 Fed. Reg. 3991 (Feb. 17, 1984).
- 1) The effective date of 35 Ill. Adm. Code 7027-704 and 7057 to the extent they apply to the issuance of HIE (Underground Injection Control) permits, was March 31, 1984.
- 2) The effective date of 35 Ill. Adm. Code 730 was March 31, 1984.

(Source: Repealed at 19 Ill. Reg. _____, effective _____.)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedures for Permit Issuance
- 2) Code citation: 35 Ill. Adm. Code 705
- 3) Section numbers: Proposed action:
705.128 Amended
- 4) Statutory authority: 415 ILCS 5/13, 22.4 and 27.
- 5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of March 2, 1995, in R95-4 and R95-6 (consolidated), which opinion is available from the address below. Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) & 22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates Parts 700, 702, 703, 705, 720, 721, 722, 723, 724, 725, 726, 728, 730, 738, and 739 of the Illinois RCRA Subtitle C Hazardous waste and underground injection control (UIC) rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994. During this period, U.S. EPA amended its regulations as follows:

Federal ActionSummary

- | | |
|---|--|
| 59 Fed. Reg. 38536, July 28, 1994 | Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry |
| 59 Fed. Reg. 43496, August 24, 1994 | Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) that are used in a manner constituting disposal |
| 59 Fed. Reg. 47980, September 19, 1994 | Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040 |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

59 Fed. Reg. 47982, September 19, 1994 Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)

59 Fed. Reg. 62896, December 6, 1994 Organic material air emission standards for tanks, surface impoundments, and containers

In addition to these principal amendments that occurred during the update period, the Board has included an additional, later action:

60 Fed. Reg. 242, January 3, 1995 Corrections to the Phase II land disposal restrictions (universal treatment standards)

This January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

- 1) The January 3, 1995 amendments are corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;
- 2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and
- 3) The Board has received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the later amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket.

In addition to the federally-derived amendments, the Board used this opportunity to undertake a number of housekeeping and corrective amendments. We have effected the removal of all cross-references for effective dates and repealed Part 700. We have converted equations and formulae to the standard scientific format. We have tried to improve the language and structure of various provisions, including correcting grammar, punctuation, and spelling where necessary.

Specifically, the segment of the amendments involved in Part 705 are primarily corrective or clarifying in nature. The Board opened Section 705.128 for the purpose of deleting a cross-reference to 35 Ill. Adm. Code 700.106 for effective dates. The Board then used the opportunity to make corrections and to clarify the language of this provision.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of statewide policy objectives:

This rulemaking is mandated by Sections 13(c) and 22.4(a) of the Environmental Protection Act (415 ILCS 5/13(c) & 22.4(a)). The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste or they engage in underground injection of waste.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R95-4/R95-6 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312/814-6931

Address all questions to Michael J. McCambridge, at 312/814-6924.

12) Initial regulatory flexibility analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 6, 1995.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses that generate, transport, treat, store, or dispose of hazardous waste or engage in underground injection of waste.

C) Reporting, bookkeeping or other procedures required for compliance:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 705

PROCEDURES FOR PERMIT ISSUANCE

SUBPART A: GENERAL PROVISIONS

Section
705.101
705.102
705.103

Scope and Applicability
Definitions
Computation of Time

SUBPART B: PERMIT APPLICATIONS

Section
705.121
705.122
705.123
705.124
705.125
705.126
705.127
705.128

Permit Application
Completeness
Incomplete Applications
Site Visit
Effective Date
Decision Schedule
Consolidation of Permit Processing
Modification of Permits

SUBPART C: APPLICATION REVIEW

Section
705.141
705.142
705.143
705.144

Draft Permits
Statement of Basis
Fact Sheet
Administrative Record for Draft Permits or Notices of Intent to Deny

SUBPART D: PUBLIC NOTICE

Section
705.161
705.162
705.163
705.164
705.165

When Public Notice Must Be Given
Timing of Public Notice
Methods of Public Notice
Contents of Public Notice
Distribution of Other Materials

SUBPART E: PUBLIC COMMENT

Section
705.181

Public Comments and Requests for Public Hearings

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

705.182 Public Hearings
 705.183 Obligation to Raise Issues and Provide Information
 705.184 Reopening of Public Comment Period

SUBPART F: PERMIT ISSUANCE

Section
 705.201 Final Permit Decision
 705.202 Stay upon Timely Application for Renewal
 705.203 Stay for New Application or upon Untimely Application for Renewal
 705.204 Stay upon Reapplication or for Modification
 705.205 Stay Following Interim Status
 705.210 Agency Response to Comments
 705.211 Administrative Record for Final Permits or Letters of Denial
 705.212 Appeal of Agency Permit Determinations

APPENDIX A Procedures for Permit Issuance
 APPENDIX B Modification Process
 APPENDIX C Application Process
 APPENDIX D Application Review Process
 APPENDIX E Public Comment Process
 APPENDIX F Permit Issuance or Denial

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/13, 22.4 and 27).

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19, at 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9, at 9 Ill. Reg. 11894, effective July 24, 1985; amended in R89-2 at 14 Ill. Reg. 3082, effective February 20, 1990; amended in R94-5 at 18 Ill. Reg. 18265, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. _____, effective _____.

SUBPART B: PERMIT APPLICATIONS

Section 705.128 Modification of Permits

- a) The Agency may modify a Permits permit may-be-modified either at the request of any interested person (including the permittee) or upon the--Agency's its own initiative. However, the Agency may only modify a permits permit may-only-be-modified for the reasons specified in 35 Ill. Adm. Code 704.261 through 704.263 or 35 Ill. Adm. Code 703.270 through 703.273. At a requests request for permit modification shall must be made in writing, must be addressed to the Agency (Division of Land Pollution Control), and shall must contain facts or reasons supporting the request.
- b) If the Agency decides determines that the a request for modification is not justified, it shall send the requester a brief written response

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

giving a reason for the decision determination. A Denials denial of a requests request for modification are is not subject to public notice, comment, or public hearings hearing requirements. The requester may appeal a Denial denial of a request to modify a permit may-be-appealed to the Board pursuant to 35 Ill. Adm. Code 105.

c) Agency Modification Procedures

- 1) If the Agency tentatively decides to initiate steps to modify a permit under this section Section and 35 Ill. Adm. Code 704.261 through 704.263 or 35 Ill. Adm. Code 703.270 through 703.273, it shall after giving public notice pursuant to Section 705.161(a)(1), as though an application had been received see: 705-161(a)(1), it shall prepare a draft permit under Sec: 705-161(a)(1) incorporating the proposed changes. The Agency may request additional information and may require the submission of an updated permit application. For reissued permits, the Agency shall require the submission of a new application.
- 2) In a permit modification proceeding under this section Section, only those conditions to be modified shall be reopened when a new draft permit is prepared. During any modification proceeding, including any appeals appeal if-any to the Board, the permittee shall comply with all conditions of the its existing permit until a new final permit is reissued.
- 3) "Minor modifications", as defined in 35 Ill. Adm. Code 704.264, and "Class 1 and 2 modifications," as defined in 35 Ill. Adm. Code 703.281 and 703.282, are not subject to the requirements of this section Section. If the Agency makes a minor modification, the modified permit must be accompanied by a letter stating the reasons for the minor modification.
- d) To the extent that the Agency has authority to terminate or reissue permits, if-it--decides--to-do-so it must prepare a draft permit or notice of intent to deny in accordance with Section 705.141 if it decides to do so.
- e) The Agency or any person may seek the revocation of a permit in accordance with Title VIII of the Environmental Protection Act and in accordance--with the procedure of 35 Ill. Adm. Code 103. Revocation may only be sought only for those reasons specified in 35 Ill. Adm. Code 702.186(a) through (d).

BOARD NOTE: Derived from 40 CFR 124.5 (1988 1993)7-amended-at-53-Ped-7 Reg--379347-September-267-1988.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: RCRA and UIC Permit Programs

2) Code Citation: 35 Ill. Adm. Code 702

3) Section Numbers: Proposed Action:

702.181

Amended

4) Statutory Authority: 415 ILCS 5/13, 22.4 and 27.

5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of March 2, 1995, in R95-4 and R95-6 (consolidated), which opinion is available from the address below. Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) & 22.4(a)] provide that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates Parts 700, 702, 703, 705, 720, 721, 722, 723, 724, 725, 726, 728, 730, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste and underground injection control (UIC) rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994. During this period, U.S. EPA amended its regulations as follows:

Federal Action

59 Fed. Reg. 38536,
July 23, 1994
Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry

59 Fed. Reg. 43496,
August 24, 1994
Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTRP) of electric arc furnace dust (R061), steel finishing pickle liquor (R062), and electroplating sludges (F006) that are used in a manner constituting disposal

59 Fed. Reg. 47980,
September 19, 1994
Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

59 Fed. Reg. 47982,
September 19, 1994
Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)

59 Fed. Reg. 62896,
December 6, 1994
Organic material air emission standards for tanks, surface impoundments, and containers

In addition to these principal amendments that occurred during the update period, the Board has included an additional, later action:

60 Fed. Reg. 242,
January 3, 1995
Corrections to the Phase II land disposal restrictions (universal treatment standards)

This January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

1) The January 3, 1995 amendments are corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;

2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and

3) The Board has received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the later amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket.

In addition to the federally-derived amendments, the Board used this opportunity to undertake a number of housekeeping and corrective amendments. We have effected the removal of all cross-references for effective dates and repealed Part 700. We have converted equations and formulae to the standard scientific format. We have tried to improve the language and structure of various provisions, including correcting grammar, punctuation, and spelling where necessary.

Specifically, the segment of the amendments involved in Part 702 are based on the December 6, 1994 federal air emissions regulations. The federal amendments broaden exceptions from the general federal rule that compliance with the conditions of a permit constitutes compliance with federal law. Since the rule in Illinois is that compliance with the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

conditions of a permit constitutes compliance only with the requirements of the law to operate in compliance with the permit, the federal amendments were unnecessary to Section 702.181. Rather, the Board added a note that explains the corresponding federal provision and the differences between Illinois and federal law.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking is mandated by Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) & 22.4(a)]. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste or they engage in underground injection of waste.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R95-4/R95-6 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
(312) 814-6931

Address all questions to Michael J. McCambridge, at (312) 814-6924.

12) Initial regulatory flexibility analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 6, 1995.

B) Types of small businesses affected: The existing rules and proposed amendments affect small businesses that generate, transport, treat, store, or dispose of hazardous waste or engage in underground injection of waste.

C) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive

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NOTICE OF PROPOSED AMENDMENTS

reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

- D) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER b: PERMITS

PART 702

RCRA AND UIC PERMIT PROGRAMS

SUBPART A: GENERAL PROVISIONS

| Section | |
|---------|---|
| 702.101 | Purpose, Scope, and Applicability |
| 702.102 | Purpose and Scope(Repealed) |
| 702.103 | Confidentiality of Information Submitted to the Agency or Board |
| 702.104 | References |
| 702.105 | Rulemaking |
| 702.106 | Adoption of Agency Criteria |
| 702.107 | Permit Appeals and Review of Agency Determinations |
| 702.108 | Variances and Adjusted Standards |
| 702.109 | Enforcement Actions |
| 702.110 | Definitions |

SUBPART B: PERMIT APPLICATIONS

| Section | |
|---------|--|
| 702.120 | Permit Application |
| 702.121 | Who Applies |
| 702.122 | Completeness |
| 702.123 | Information Requirements |
| 702.124 | Recordkeeping |
| 702.125 | Continuation of Expiring Permits |
| 702.126 | Signatories to Permit Applications and Reports |

SUBPART C: PERMIT CONDITIONS

| Section | |
|---------|---|
| 702.140 | Conditions Applicable to all Permits |
| 702.141 | Duty to Comply |
| 702.142 | Duty to Reapply |
| 702.143 | Need to Halt or Reduce Activity Not a Defense |
| 702.144 | Duty to Mitigate |
| 702.145 | Proper Operation and Maintenance |
| 702.146 | Permit Actions |
| 702.147 | Property Rights |
| 702.148 | Duty to Provide Information |
| 702.149 | Inspection and Entry |
| 702.150 | Monitoring and Records |
| 702.151 | Signature Requirements |

POLLUTION CONTROL BOARD

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| | |
|---------|-------------------------------------|
| 702.152 | Reporting Requirements |
| 702.160 | Establishing Permit Conditions |
| 702.161 | Duration of Permits |
| 702.162 | Schedules of Compliance |
| 702.163 | Alternative Schedules of Compliance |
| 702.164 | Recording and Reporting |

SUBPART D: ISSUED PERMITS

| Section | |
|---------|-------------------------|
| 702.181 | Effect of a Permit |
| 702.182 | Transfer |
| 702.183 | Modification |
| 702.184 | Causes for Modification |
| 702.185 | Facility Siting |
| 702.186 | Revocation |
| 702.187 | Minor Modifications |

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19, at 53 PCB 131, 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill. Reg. 6673, effective March 28, 1988; amended in R87-39 at 12 Ill. Reg. 13083, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6273, effective April 16, 1990; amended in R92-10 at 17 Ill. Reg. 5769, effective March 26, 1993; amended in R93-16 at 18 Ill. Reg. 6918, effective April 26, 1994; amended in R94-5 at 18 Ill. Reg. 18284, effective December 20, 1994; amended at 19 Ill. Reg. _____, effective _____.

SUBPART D: ISSUED PERMITS

Section 702.181 Effect of a Permit

- a) The existence of a RCRA or UIC permit does not constitute a defense to a violation of the Environmental Protection Act or this Subtitle, except for development, modification, or operation without a permit. However, a permit may be modified, reissued, or revoked during its term for cause as set forth in 35 Ill. Adm. Code 703.270 through 703.273 (RCRA) or 35 Ill. Adm. Code 704.261 through 704.263 (UIC) and Section 702.186.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: 40 CFR 270.4(a) differs from this subsection (a) in two significant aspects: (1) it states that compliance with the permit is compliance with federal law, and (2) it enumerates exceptions when compliance with the permit can violate federal law. The exceptions are intervening (1) statutory requirements; (2) 40 CFR 268 land disposal restrictions; (3) 40 CFR 264 leak detection requirements; and (4) 40 CFR 266, subparts AA, BB, and CC air emissions limitations. By not codifying the federal exceptions, since they are not necessary in the Illinois program to accomplish the intended purpose, the Board does not intend to imply that compliance with a RCRA permit obviates immediate compliance with any of the event included in the federal exceptions.

- b) The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.
- c) The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations, except as noted in subsection (a) above.

BOARD NOTE: Derived from 40 CFR 144.35 (1993) and 40 CFR 270 (1992) (1994), as amended at 49 Fed. Reg. 62952 (Dec. 6, 1994). am+

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: RCRA Permit Program

- 2) Code citation: 35 Ill. Adm. Code 703

- 3) Section numbers: Proposed action:
 703.183 Amended
 703.201 Amended
 703.202 Amended
 703.203 Amended
 703.213 New Section

- 4) Statutory authority: 415 ILCS 5/22.4 and 27.

- 5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of March 2, 1995, in R95-4 and R95-6 (consolidated), which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates Parts 700, 702, 703, 705, 720, 721, 722, 723, 724, 725, 726, 728, 730, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste and underground injection control (UIC) rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994. During this period, U.S. EPA amended its regulations as follows:

Federal Action

59 Fed. Reg. 38536,
July 28, 1994

Summary

Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry

59 Fed. Reg. 43496,
August 24, 1994

Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) that are used in a manner constituting disposal

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59 Fed. Reg. 47980, Restoration of text from 40 CFR 268.7(a) September 19, 1994 inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040

59 Fed. Reg. 47982, Phase II land disposal restrictions (LDRs): September 19, 1994 universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)

59 Fed. Reg. 62896, Organic material air emission standards for December 6, 1994 tanks, surface impoundments, and containers

In addition to these principal amendments that occurred during the update period, the Board has included an additional, later action:

60 Fed. Reg. 242, Corrections to the Phase II land disposal January 3, 1995 restrictions (universal treatment standards)

This January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

- 1) The January 3, 1995 amendments are corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;
- 2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and
- 3) The Board has received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the later amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket.

In addition to the federally-derived amendments, the Board used this opportunity to undertake a number of housekeeping and corrective amendments. We have effected the removal of all cross-references for effective dates and repealed Part 700. We have converted equations and formulae to the standard scientific format. We have tried to improve the language and structure of various provision, including correcting grammar, punctuation, and spelling where necessary.

Specifically, the segment of the amendments involved in Part 703

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incorporate revisions made by U.S. EPA as part of the December 6, 1994 air emissions requirements. They update the RCRA permit application regulations to add the information necessary to demonstrate prospective compliance with the new air emissions rules.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of statewide policy objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act (415 ILCS 5/22.4(a)). The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste or they engage in underground injection of waste.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R95-4/R95-6 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312/814-6931

Address all questions to Michael J. McCambridge, at 312/814-6924.

12) Initial regulatory flexibility analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 6, 1995.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses that generate, transport, treat, store, or dispose of hazardous waste

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or engage in underground injection of waste.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER b: PERMITS

PART 703

RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

| Section | |
|---------|-----------------------------------|
| 703.100 | Scope and Relation to Other Parts |
| 703.101 | Purpose |
| 703.110 | References |

SUBPART B: PROHIBITIONS

| Section | |
|---------|---|
| 703.120 | Prohibitions in General |
| 703.121 | RCRA Permits |
| 703.122 | Specific Inclusions in Permit Program |
| 703.123 | Specific Exclusions from Permit Program |
| 703.124 | Discharges of Hazardous Waste |
| 703.125 | Reapplications |
| 703.126 | Initial Applications |
| 703.127 | Federal Permits (Repealed) |

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

| Section | Purpose and Scope | Permits by Rule | Application by Existing HWM Facilities and Interim Status |
|---------|-------------------|-----------------|---|
| 703.140 | | | |
| 703.141 | | | |
| 703.150 | | | |
| 703.151 | | | |
| 703.152 | | | |
| 703.153 | | | |
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| 703.159 | | | |
| 703.160 | | | |

SUBPART D: APPLICATIONS

| Section |
|---------|
|---------|

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| | |
|---------|---|
| 703.180 | Applications in General |
| 703.181 | Contents of Part A |
| 703.182 | Contents of Part B |
| 703.183 | General Information |
| 703.184 | Facility Location Information |
| 703.185 | Groundwater Protection Information |
| 703.186 | Exposure Information |
| 703.187 | Solid Waste Management Units |
| 703.188 | Other Information |
| 703.200 | Specific Part B Application Information |
| 703.201 | Containers |
| 703.202 | Tank Systems |
| 703.203 | Surface Impoundments |
| 703.204 | Waste Piles |
| 703.205 | Incinerators that Burn Hazardous Waste |
| 703.206 | Land Treatment |
| 703.207 | Landfills |
| 703.208 | Boilers and Industrial Furnaces Burning Hazardous Waste |
| 703.209 | Miscellaneous Units |
| 703.210 | Process Vents |
| 703.211 | Equipment |
| 703.212 | Drip Pads |
| 703.213 | Air Emission Controls for Tanks, Surface Impoundments, and Containers |

SUBPART E: SHORT TERM AND PHASED PERMITS

| | |
|---------|---|
| Section | |
| 703.221 | Emergency Permits |
| 703.222 | Incinerator Conditions Prior to Trial Burn |
| 703.223 | Incinerator Conditions During Trial Burn |
| 703.224 | Incinerator Conditions After Trial Burn |
| 703.225 | Trial Burns for Existing Incinerators |
| 703.230 | Land Treatment Demonstration |
| 703.231 | Research, Development and Demonstration Permits |
| 703.232 | Permits for Boilers and Industrial Furnaces Burning Hazardous Waste |

SUBPART F: PERMIT CONDITIONS OR DENIAL

| | |
|---------|--|
| Section | |
| 703.240 | Permit Denial |
| 703.241 | Establishing Permit Conditions |
| 703.242 | Noncompliance Pursuant to Emergency Permit |
| 703.243 | Monitoring |
| 703.244 | Notice of Planned Changes (Repealed) |
| 703.245 | Twenty-Four Hour Reporting |
| 703.246 | Reporting Requirements |
| 703.247 | Anticipated Noncompliance |

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SUBPART G: CHANGES TO PERMITS

| | |
|---------|---|
| Section | |
| 703.260 | Transfer |
| 703.270 | Modification |
| 703.271 | Causes for Modification |
| 703.272 | Causes for Modification or Reissuance |
| 703.273 | Facility Siting |
| 703.280 | Permit Modification at the Request of the Permittee |
| 703.281 | Class 1 Modifications |
| 703.282 | Class 2 Modifications |
| 703.283 | Class 3 Modifications |

APPENDIX A Classification of Permit Modifications

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. _____, effective _____.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART D: APPLICATIONS

Section 703.183 General Information

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The following information is required in the Part B application for all HWM facilities, except as 35 Ill. Adm. Code 724.101 provides otherwise:

- a) A general description of the facility;
 - b) Chemical and physical analyses of the hazardous wastes and hazardous debris to be handled at the facility. At a minimum, these analyses must contain all the information which must be known to treat, store or dispose of the wastes properly in accordance with 35 Ill. Adm. Code 724;
 - c) A copy of the waste analysis plan required by 35 Ill. Adm. Code 724.113(b) and, if applicable, 35 Ill. Adm. Code 724.113(c);
 - d) A description of the security procedures and equipment required by 35 Ill. Adm. Code 724.114, or a justification demonstrating the reasons for requesting a waiver of this requirement;
 - e) A copy of the general inspection schedule required by 35 Ill. Adm. Code 724.115(b). Include where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.293(i), 724.295, 724.326, 724.354, 724.373, 724.403, 724.702, 724.933, 724.952, 724.953, and 724.958, 724.988, and 724.991;
 - f) A justification of any request for a waiver of the preparedness and prevention requirements of 35 Ill. Adm. Code 724.Subpart C;
 - g) A copy of the contingency plan required by 35 Ill. Adm. Code 724.Subpart D;
- BOARD NOTE: Include, where applicable, as part of the contingency plan, specific requirements in 35 Ill. Adm. Code 724.327 and 724.355. 35 Ill. Adm. Code 724.355 has not yet been adopted.
- h) A description of procedures, structures, or equipment used at the facility to:
 - 1) Prevent hazards in unloading operations (for example, ramps, or special forklifts);
 - 2) Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, or trenches);
 - 3) Prevent contamination of water supplies;
 - 4) Mitigate effects of equipment failure and power outages;
 - 5) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing); and
 - 6) Prevent releases to the atmosphere.
 - i) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes, as required to demonstrate compliance with 35 Ill. Adm. Code 724.117, including documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);
 - j) Traffic pattern, estimated volume (number and types of vehicles), and control (for example, show turns across traffic lanes and stacking lanes, if appropriate); describe access road surfacing and load bearing capacity; and show traffic control signals;
 - k) Facility location information, as required by Section 703.184;
 - l) An outline of both the introductory and continuing training programs

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by the owners owner or operators operator to prepare persons to operate or maintain the HWM facility in a safe manner, as required to demonstrate compliance with 35 Ill. Adm. Code 724.116. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);

- m) A copy of the closure plan and, where applicable, the post-closure plan required by 35 Ill. Adm. Code 724.212, 724.218, and 724.297. Include where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451, 724.701, and 724.703;
- n) For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm. Code 724.219 have been filed;
- o) The most recent closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.242, and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;
- p) Where applicable, the most recent post-closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.244, plus a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.245; For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;
- q) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b) that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. A request for an alternative level of required coverage for a new or existing facility may be submitted as specified in 35 Ill. Adm. Code 724.247(c);
- r) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of HWM facilities located in mountainous areas shall use larger contour intervals to adequately show topographic profiles of facilities. The map must clearly show the following:

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- 1) Map scale and date;
- 2) 100-year floodplain area;
- 3) Surface waters including intermittent streams;
- 4) Surrounding land uses (e.g., residential, commercial, agricultural, recreational, etc.);
- 5) A wind rose (i.e., prevailing windspeed and direction);
- 6) Orientation of the map (north arrow);
- 7) Legal boundaries of the HWM facility site;
- 8) Access control (e.g., fences, gates, etc.);
- 9) Injection and withdrawal wells both on-site and off-site;
- 10) Buildings; treatment, storage, or disposal operations; or other structures (e.g., recreation areas, runoff control systems, access and internal roads, storm, sanitary and process sewage systems, loading and unloading areas, fire control facilities, etc.);
- 11) Barriers for drainage or flood control;
- 12) Location of operational units within the HWM facility site, where hazardous waste is (or will be) treated, stored, or disposed (include equipment cleanup areas);

BOARD NOTE: For large HWM facilities, the Agency shall allow the use of other scales on a case by case basis.

- s) Applicants shall submit such information as the Agency determines is necessary for it to determine whether to issue a permit and what conditions to impose in any permit issued;
- t) For land disposal facilities, if a case-by-case extension has been approved under 35 Ill. Adm. Code 728.1057 or if a petition has been approved under 35 Ill. Adm. Code 728.106, a copy of the notice of approval of the extension or of approval of the petition is required.

BOARD NOTE: Derived from 40 CFR 270.14(b) (1988 1994), as amended at 57 59 Fed. Reg. 37281, August-107-1992 62952 (Dec. 6, 1994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 703.201 Containers

For facilities that store containers of hazardous waste, except as otherwise provided in 35 Ill. Adm. Code 724.270, the Part B application must include:

- a) A description of the containment system to demonstrate compliance with 35 Ill. Adm. Code 724.275. Show at least the following:

- 1) Basic design parameters, dimensions, and materials of construction;
- 2) How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system;
- 3) Capacity of the containment system relative to the number and volume of containers to be stored;
- 4) Provisions for preventing or managing run-on; and
- 5) How accumulated liquids can be analyzed and removed to prevent

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overflow7.

- b) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with 35 Ill. Adm. Code 724.275(c), including:
 - 1) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and
 - 2) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids;
- c) Sketches, drawings, or data demonstrating compliance with 35 Ill. Adm. Code 724.276 (location of buffer zone and containers holding ignitable or reactive wastes) and Section 724.277(c) (location of incompatible wastes), where applicable.
- d) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with 35 Ill. Adm. Code 724.117(b) and (c) and 724.277(a) and (b).
- e) Information on air emission control equipment, as required in Section 703.213.

BOARD NOTE: Derived from 40 CFR 270.15 (1992 1994), as amended at 59 Fed. Reg. 62952 (Dec. 6, 1994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 703.202 Tank Systems

Except as otherwise provided in 35 Ill. Adm. Code 724.290, owners and operators of facilities that use tanks to store or treat hazardous waste shall provide the following additional information:

- a) A written assessment that is reviewed and certified by an independent, qualified, registered professional engineer as to the structural integrity and suitability for handling hazardous waste of each tank system, as required under 35 Ill. Adm. Code 724.291 and 724.292;
- b) Dimensions and capacity of each tank;
- c) Description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);
- d) A diagram of piping, instrumentation, and process flow for each tank system;
- e) A description of materials and equipment used to provide external corrosion protection, as required under 35 Ill. Adm. Code 724.292(a)(3)(B);
- f) For new tank systems, a detailed descriptions of how the tank system(s) will be installed in compliance with 35 Ill. Adm. Code 724.292(b), (c), (d), and (e);
- g) Detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed and operated to meet the requirements of 35 Ill. Adm. Code 724.293(a), (b), (c), (d), (e), and (f);

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h) For tank systems for which alternative design and operating practices are sought pursuant to 35 Ill. Adm. Code 724.293(g):

- 1) Detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous waste or hazardous constituents into the groundwater or surface water during the life of the facility, or

- 2) A detailed assessment of the substantial present or potential hazards posed to human health or the environment should a release enter the environment.

- 3) A copy of the petition for alternative design and operating practices or, if such have already been granted, a copy of the Board Order granting alternative design and operating practices.

i) Description of controls and practices to prevent spills and overflows, as required under 35 Ill. Adm. Code 724.294(b); and

j) For tank systems in which ignitable, reactive or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with the requirements of 35 Ill. Adm. Code 724.298 and 724.299; and

k) Information on air emission control equipment, as required in Section 703.213.

~~(Board--Note~~ BOARD NOTE: See 40 CFR 270.16 (1986 1994), as amended at 51 59 Fed. Reg. 25471-7-14-1986 62952 (Dec. 6, 1994).†

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 703.203 Surface Impoundments

For facilities that store, treat, or dispose of hazardous waste in surface impoundments, except as otherwise provided in 35 Ill. Adm. Code 724.101, the Part B application must include:

- a) A list of the hazardous wastes placed or to be placed in each surface impoundment;
- b) Detailed plans and an engineering report describing how the surface impoundment is designed and is or will be constructed, operated, and maintained to meet the requirements of 35 Ill. Adm. Code 724.119, 724.321, 724.322 and 724.323, addressing the following items:

- 1) The liner system (except for an existing portion of a surface impoundment). If an exemption from the requirement for a liner is sought, as provided by 35 Ill. Adm. Code 724.321(b), submit a copy of the Board order granting an adjusted standard pursuant to 35 Ill. Adm. Code 724.321(b);

- 2) The double liner and leak (leachate) detection, collection and removal system, if the surface impoundment must meet the requirements of 35 Ill. Am. Code 724.321 (c). If an exemption from the requirements for double liners and a leak detection,

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collection, and removal system or alternative design is sought as provided by 35 Ill. Adm. Code 724.321(d), (e), or (f), submit appropriate information:

- 3) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation and the location of the saturated zone in relation to the leak detection system;

- 4) The construction quality assurance (CQA) plan if required under 35 Ill. Adm. Code 724.119; and

- 5) Proposed action leakage rate, with rationale, if required under 35 Ill. Adm. Code 724.322; response action plan, if required under 35 Ill. Adm. Code 724.323; and a proposed pump operating level, if required under 35 Ill. Adm. Code 724.326 (d)(3);

- 6) Prevention of overtopping; and

- 7) Structural integrity of dikes.

- c) A description of how each surface impoundment, including the double liner system, leak detection system, cover system and appurtenances for control of overtopping will be inspected in order to meet the requirements of 35 Ill. Adm. Code 724.326(a), (b), and (d). This information must be included in the inspection plan submitted under Section 703.183(e);

- d) A certification by a qualified engineer which attests to the structural integrity of each dike, as required under 35 Ill. Adm. Code 724.326(c). For new units, the owner or operator shall submit a statement by a qualified engineer that the engineer will provide such a certification upon completion of construction in accordance with the plans and specifications.

- e) A description of the procedure to be used for removing a surface impoundment from service, as required under 35 Ill. Adm. Code 724.327(b) and (c). This information must be included in the contingency plan submitted under Section 703.183(g);

- f) A description of how hazardous waste residues and contaminated materials will be removed from the unit at closure, as required under 35 Ill. Adm. Code 724.328(a)(1). For any wastes not to be removed from the unit upon closure, the owner or operator shall submit detailed plans and an engineering report describing how 35 Ill. Adm. Code 724.328(a)(2) and (b) will be complied with. This information must be included in the closure plan and, where applicable, the post-closure plan submitted under Section 703.183(m);

- g) If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of how 35 Ill. Adm. Code 724.329 will be complied with;

- h) If incompatible wastes, or incompatible wastes and materials, will be placed in a surface impoundment, an explanation of how 35 Ill. Adm. Code 724.330 will be complied with;

- i) A waste management plan for hazardous waste numbers F020, F021, F022, F023, F026, and F027 describing how the surface impoundment is or will be designed, constructed, operated, and maintained to meet the

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requirements of 35 Ill. Adm. Code 724.331. This submission must address the following items as specified in that Section:

- 1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or volatilize or escape into the atmosphere;
- 2) The attenuative properties of underlying and surrounding soils or other materials;
- 3) The mobilizing properties of other materials co-disposed with these wastes; and
- 4) The effectiveness of additional treatment, design or monitoring techniques.

d) Information on air emission control equipment, as required in Section 703.213.

BOARD NOTE: Derived from 40 CFR 270.17 (1991 1994), as amended at 57 59 Fed. Reg. 34067-Jannary-297-1992 62952 (Dec. 6, 1994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers

Except as otherwise provided in 35 Ill. Adm. Code 724.101, owners and operators of tanks, surface impoundments, or containers that use air emission controls in accordance with the requirements of 35 Ill. Adm. Code 724.Subpart CC shall provide the following additional information:

- a) Documentation for each cover installed on a tank subject to 35 Ill. Adm. Code 724.984(b)(2) or 724.984(b)(3) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the applicable design specifications as listed in 35 Ill. Adm. Code 725.991(c).
- b) Identification of each container area subject to the requirements of 35 Ill. Adm. Code 724.Subpart CC and certification by the owner or operator that the requirements of this Subpart are met.
- c) Documentation for each enclosure used to control air emissions from containers in accordance with the requirements of 35 Ill. Adm. Code 724.986(b)(2)(A) that includes information prepared by the owner or operator or provided by the manufacturer or vendor describing the enclosure design, and certification by the owner or operator that the enclosure meets the specifications listed in 35 Ill. Adm. Code 725.987(b)(2)(B).
- d) Documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of 35 Ill. Adm. Code 724.985(c) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in 35 Ill. Adm. Code 725.986(e).

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e) Documentation for each closed-vent system and control device installed in accordance with the requirements of 35 Ill. Adm. Code 724.987 that includes design and performance information as specified in 703.24(c) and (d).

f) An emission monitoring plan for both Method 21 and control device monitoring methods. This plan must include the following information: monitoring points, monitoring methods for control devices, monitoring frequency, procedures for documenting exceedances, and procedures for mitigating noncompliances.

g) When an owner or operator of a facility subject to 35 Ill. Adm. Code 725.Subpart CC cannot comply with 35 Ill. Adm. Code 724.Subpart CC by the date of permit issuance, the schedule of implementation required under 35 Ill. Adm. Code 725.982.

BOARD NOTE: Derived from 40 CFR 270.27, added at 59 Fed. Reg. 62952 (Dec. 6, 1994).

(Source: Added at 19 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

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- 1) Heading of the Part: Standards Applicable to Generators or Hazardous Waste
- 2) Code citation: 35 Ill. Adm. Code 722
- 3) Section numbers:
722.122 Amended
722.134 Amended
- 4) Statutory authority: 415 ILCS 5/22.4 and 27.
- 5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of March 2, 1995, in R95-4 and R95-6 (consolidated), which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is subject to first notice or to second notice review by JCAR.

This rulemaking updates Parts 700, 702, 703, 705, 720, 721, 722, 723, 724, 725, 726, 728, 730, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste and underground injection control (UIC) rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994. During this period, U.S. EPA amended its regulations as follows:

Federal ActionSummary

59 Fed. Reg. 38536, Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry
July 28, 1994

59 Fed. Reg. 43496, Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (R061), steel finishing pickle liquor (R062), and electroplating sludges (F006) that are used in a manner constituting disposal
August 24, 1994

59 Fed. Reg. 47980, restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040
September 19, 1994

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- 59 Fed. Reg. 47982, Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)
September 19, 1994
- 59 Fed. Reg. 62896, Organic material air emission standards for tanks, surface impoundments, and containers
December 6, 1994

In addition to these principal amendments that occurred during the update period, the Board has included an additional, later action:

- 60 Fed. Reg. 242, Corrections to the Phase II land disposal restrictions (universal treatment standards)
January 3, 1995

This January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

- 1) The January 3, 1995 amendments are corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;
- 2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and
- 3) The Board has received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the later amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket.

In addition to the federally-derived amendments, the Board used this opportunity to undertake a number of housekeeping and corrective amendments. We have effected the removal of all cross-references for effective dates and repealed Part 700. We have converted equations and formulae to the standard scientific format. We have tried to improve the language and structure of various provisions, including correcting grammar, punctuation, and spelling where necessary.

Specifically, the segment of the amendments involved in Part 722 incorporate revisions made by U.S. EPA as part of the December 6, 1994 air emissions requirements. The amendments indicate those segments of the treatment, storage, and disposal facility air emissions standards that apply to a hazardous waste generator placing hazardous waste in tanks or

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containers.

- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of statewide policy objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)]. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste or they engage in underground injection of waste.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R95-4/R95-6 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312/814-6931

Address all questions to Michael J. McCambridge, at 312/814-6924.

- 12) Initial regulatory flexibility analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 6, 1995.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses that generate, transport, treat, store, or dispose of hazardous waste or engage in underground injection of waste.

C) Reporting, bookkeeping or other procedures required for compliance:

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The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

- D) Types of professional skills necessary for compliance:
- Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD
 NOTICE OF PROPOSED AMENDMENTS
 TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 722
 STANDARDS APPLICABLE TO
 GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Purpose, Scope and Applicability
 Hazardous Waste Determination
 USEPA Identification Numbers

SUBPART B: THE MANIFEST

General Requirements
 Acquisition of Manifests
 Number of Copies
 Use of the Manifest

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Packaging
 Labeling
 Marking
 Placarding
 Accumulation Time

SUBPART D: RECORDKEEPING AND REPORTING

Recordkeeping
 Annual Reporting
 Exception Reporting
 Additional Reporting
 Special Requirements for Generators of between 100 and 1000 kilograms per month

SUBPART E: EXPORTS OF HAZARDOUS WASTE

Section
 722.150 Applicability
 722.151 Definitions

POLLUTION CONTROL BOARD
 NOTICE OF PROPOSED AMENDMENTS

General Requirements
 Notification of Intent to Export
 Special Manifest Requirements
 Exception Report
 Annual Reports
 Recordkeeping

SUBPART F: IMPORTS OF HAZARDOUS WASTE

Section
 722.160 Imports of Hazardous Waste

SUBPART G: FARMERS

Section
 722.170 Farmers

APPENDIX A Hazardous Waste Manifest

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in 92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. _____, effective _____.

SUBPART B: THE MANIFEST

Section 722.122 Number of Copies

The manifest consists of at least the that number of copies which that will provide the generator, each transporter, and the owner or operator of the designated receiving treatment, storage, or disposal facility each with one

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copy each for their records, ~~and another~~ plus provide one copy to be returned to the generator, ~~and plus provide two copies to be sent to the Agency, one by each of the generator and by the HWM receiving treatment, storage, or disposal facility owner or operator.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section 722.134 Accumulation Time

a) Except as provided in subsections (d), (e), or (f) below, a generator is exempt from all the requirements in 35 Ill. Adm. Code 725.Subparts G and H, except for 35 Ill. Adm. Code 725.211 and 725.214, and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status; provided that:

- 1) The waste is placed:
 - A) In containers and the generator complies with 35 Ill. Adm. Code 725.Subparts ~~Subject I, AA, BB, and CC~~; or
 - B) In tanks and the generator complies with 35 Ill. Adm. Code 725.Subparts ~~Subject J (except 35 Ill. Adm. Code 725.297(c) and 725.300), AA, BB, and CC~~; or
 - C) On drip pads and the generator complies with 35 Ill. Adm. Code 725.Subpart W and maintains the following records at the facility:
 - i) A description of the procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and
 - ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; or

- D) In containment buildings and the generator complies with 35 Ill. Adm. Code 725.Subpart DD (has placed its Professional Engineer (PE) certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record ~~no later than 60 days after prior to the date of initial operation of the unit.~~ ~~After February 19, 1993, the PE certification will be required prior to operation of the unit.~~ The owner or operator shall maintain the following records at the facility:
 - 1) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that

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they are consistent with respecting the 90 day limit, and documentation that the procedures are complied with; or

- ii) Documentation that the unit is emptied at least once every 90 days.

BOARD NOTE: The "in addition" hanging subsection ~~which~~ that appears in the Federal rules after 40 CFR 262.34(a)(1)(iv)(B) is in the introduction to subsection (a)7 above.

- 2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
- 3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste", and
- 4) The generator complies with the requirements for treatment, storage, and disposal facility owners or operators in 35 Ill. Adm. Code 725.Subparts C and D7 and with 35 Ill. Adm. Code 725.116 and 725.107(a)(4).
- b) A generator ~~who~~ that accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702, 703 and 705 unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Section 37 of the Environmental Protection Act and 35 Ill. Adm. Code 180 (agency procedural regulations).
- c) Accumulation near the point of generation.
 - 1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in containers at or near any point of generation where wastes initially accumulate ~~which~~ that is under the control of the operator of the process generating the waste without a permit or interim status and without complying with subsection (a)7 above, provided the generator:
 - A) Complies with 35 Ill. Adm. Code 725.271, 725.272 and 725.273(a)7, and
 - B) marks the generator's containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.
 - 2) A generator ~~who~~ that accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in excess of the amounts listed in subsection (c) (1)7 above at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a)7 above or other applicable provisions of this ~~chapter~~ Chapter. During the three day period the generator must continue to comply

POLLUTION CONTROL BOARD

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with subsection (c) (1) above. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

- d) A generator who that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that:

- 1) The quantity of waste accumulated on-site never exceeds 6000 kilograms;
- 2) The generator complies with the requirements of 35 Ill. Adm. Code 725.Subpart 17 ~~(except the generator need not comply with 35 Ill. Adm. Code 725.276 and 725.178);~~
- 3) The generator complies with the requirements of 35 Ill. Adm. Code 725.301;
- 4) The generator complies with the requirements of subsections (a)(2) and (c) (3) above, of 35 Ill. Adm. Code 725.Subpart C, and of 35 Ill. Adm. Code 728.107(a)(4); and
- 5) The generator complies with the following requirements:

- A) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (d)(5)(D) below. The employee is the emergency coordinator.

- B) The generator shall post the following information next to the telephone:

- i) The name and telephone number of the emergency coordinator;
- ii) Location of fire extinguishers and spill control material; and, if present, fire alarm; and
- iii) The telephone number of the fire department, unless the facility has a direct alarm.

- C) The generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;

- D) The emergency coordinator or designee shall respond to any emergencies that arise. The applicable responses are as follows:

- i) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
- ii) In the event of a spill, contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;
- iii) In the event of a fire, explosion, or other release which that could threaten human health outside the facility, or when the generator has knowledge that a

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spill has reached surface water, the generator shall immediately notify the National Response Center (using its 24-hour toll free number 800-424-8802). The report must include the following information: the name, address, and U.S.EPA identification number (35 Ill. Adm. Code 722.112) of the generator; the date, time, and type of incident (e.g., spill or fire); the quantity and type of hazardous waste involved in the incident; the extent of injuries, if any; and the estimated quantity and disposition of recoverable materials, if any.

- e) A generator who that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who that must transport the waste or offer the waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status, provided that the generator complies with the requirements of subsection (d) above.

- f) A generator who that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who that accumulates hazardous waste in quantities exceeding 6000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if the generator must transport the waste or offer the waste for transportation over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 703 unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period. If hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of variance or provisional variance pursuant to Section 37 of the Environmental Protection Act.

(Source: Amended at 19 Ill Reg. _____, effective _____)

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1) Heading of the Part: Standards Applicable to Transporters of Hazardous Waste

59 Fed. Reg. 47982, September 19, 1994 Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)

2) Code citation: 35 Ill. Adm. Code 723

3) Section numbers: Proposed action:

59 Fed. Reg. 62896, December 6, 1994 Organic material air emission standards for tanks, surface impoundments, and containers

Amended

4) Statutory authority: 415 ILCS 5/22.4 and 27.

In addition to these principal amendments that occurred during the update period, the Board has included an additional, later action:

5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of March 2, 1995, in R95-4 and R95-6 (consolidated), which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to first notice or to second notice review by JCAR.

60 Fed. Reg. 242, January 3, 1995 Corrections to the Phase II land disposal restrictions (universal treatment standards)

This January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

- 1) The January 3, 1995 amendments are corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;
- 2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and
- 3) The Board has received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

Federal Action

Summary

59 Fed. Reg. 38536, July 28, 1994 Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry

59 Fed. Reg. 43496, August 24, 1994 Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (R061), steel finishing pickle liquor (R062), and electroplating sludges (F006) that are used in a manner constituting disposal

59 Fed. Reg. 47980, September 19, 1994 Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040

The Board also notes that the later amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket.

In addition to the federally-derived amendments, the Board used this opportunity to undertake a number of housekeeping and corrective amendments. We have effected the removal of all cross-references for effective dates and repealed Part 700. We have converted equations and formulae to the standard scientific format. We have tried to improve the language and structure of various provisions including correcting grammar, punctuation, and spelling where necessary.

Specifically, the segment of the amendments involved in Part 723 were for the express purpose of removing a reference to 35 Ill. Adm. Code 700.106 for an effective date. The Board opened the Section to make this change to the Section source note by making a number of corrective and clarifying changes. In the course of these revisions, we updated the name of the

POLLUTION CONTROL BOARD

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state agency a transporter must notify in the event of a release of hazardous waste from the Emergency Services and Disaster Agency to the Illinois Emergency Management Agency.

6) Will this proposed rule replace an emergency rule currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of statewide policy objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)]. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste or they engage in underground injection of waste.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R95-4/R95-6 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312/814-6931

Address all questions to Michael J. McCambridge, at 312/814-6924.

12) Initial regulatory flexibility analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 6, 1995.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses that generate, transport, treat, store, or dispose of hazardous waste and engage in underground injection of waste.

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C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 723

STANDARDS APPLICABLE TO

TRANSPORTERS OF HAZARDOUS WASTE

SUBPART A: GENERAL

| | |
|---------|--------------------------------|
| Section | |
| 723.110 | Scope |
| 723.111 | USEPA Identification Number |
| 723.112 | Transfer Facility Requirements |

SUBPART B: COMPLIANCE WITH THE MANIFEST

SYSTEM AND RECORDKEEPING

| | |
|---------|------------------------------|
| Section | |
| 723.120 | The Manifest System |
| 723.121 | Compliance with the Manifest |
| 723.122 | Recordkeeping |

SUBPART C: HAZARDOUS WASTE DISCHARGES

| | |
|---------|--------------------|
| Section | |
| 723.130 | Immediate Action |
| 723.131 | Discharge Clean Up |

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 17, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R84-9, at 9 Ill. Reg. 11961, effective July 24, 1985; amended in R86-19, at 10 Ill. Reg. 20718, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13570, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19412, effective November 12, 1987; amended in R95-6 at 19 Ill. Reg. _____, effective _____.

SUBPART C: HAZARDOUS WASTE DISCHARGES

Section 723.130 Immediate Action

a) In the event of a discharge of hazardous waste during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike

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- 1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

- 2) Code Citation: 35 Ill. Adm. Code 724

- 3) Section numbers: Proposed Action:

| | |
|---------------------------|-------------|
| 724.101, 724.113, 724.115 | Amended |
| 724.156, 724.173, 724.177 | Amended |
| 724.279, 724.300, 724.332 | New Section |
| 724.701, 724.933, 724.963 | Amended |
| 724.980, 724.981, 724.982 | New Section |
| 724.983, 724.984, 724.985 | New Section |
| 724.986, 724.987, 724.988 | New Section |
| 724.989, 724.990, 724.991 | New Section |
| 724.1102 | Amended |

- 4) Statutory Authority: 415 ILCS 5/22.4 and 27

- 5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of March 2, 1995, in R95-4 and R95-6 (consolidated), which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates Parts 700, 702, 703, 705, 720, 721, 722, 723, 724, 725, 726, 728, 730, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste and underground injection control (UIC) rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994. During this period, U.S. EPA amended its regulations as follows:

Federal Action

59 Fed. Reg. 38536,
July 28, 1994

Summary

Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry

59 Fed. Reg. 43496,
August 24, 1994

Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating

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- sludges (F006) that are used in a manner constituting disposal

- 59 Fed. Reg. 47980,
September 19, 1994
- Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040

- 59 Fed. Reg. 47982,
September 19, 1994
- Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)

- 59 Fed. Reg. 62896,
December 6, 1994
- Organic material emission standards for tanks, surface impoundments, and containers

In addition to these principal amendments that occurred during the update period, the Board has included an additional, later action:

- 60 Fed. Reg. 242,
January 3, 1995
- Corrections to the Phase II land disposal restrictions (universal treatment standards)

This January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

- 1) The January 3, 1995 amendments are corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;

- 2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and

- 3) The Board has received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the later amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket.

In addition to the federally-derived amendments, the Board used this opportunity to undertake a number of housekeeping and corrective amendments. We have effected the removal of all cross-references for effective dates and repealed Part 700. We have converted equations and formulae to the standard scientific format. We have tried to improve the language and structure of various provisions, including correcting

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grammar, punctuation, and spelling where necessary.

Specifically, the segment of the amendments involved in Part 724 incorporate the major requirements of the federal air emissions regulations of December 6, 1994 and one federal correction. The bulk of the air emissions requirements for tanks, containers, and surface impoundments is in new 724.Subpart CC. The federal correction, made as part of the September 19, 1994 Phase II LDRs, is the correction at Section 724.101(g)(6) of the type of waste that is exempt from regulation if managed in an elementary neutralization unit from corrosive to reactive waste.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference?

Yes. 35 Ill. Adm. Code 720.111 is the central listing of all documents incorporated by reference throughout the text of 35 Ill. Adm. Code 702 through 705, 721 through 726, 728, 730, 738, and 739. The present amendments update the documents incorporated by reference in a few ways. First, the Board has added the year code to the references to ASTM methods at Sections 724.933(e)(2) and 724.963(d)(1) and (h). We then add the methods references in 724.Subpart CC used by U.S. EPA in the December 6, 1994 air emissions requirements: the U.S. DOT hazardous materials transportation regulations of 49 CFR 178; the use of Method 21 of 40 CFR 60, appendix A; and the 40 CFR 60, subpart VV and 61, subpart V equipment leaks air requirements.

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of statewide policy objectives: This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act (415 ILCS 5/22.4(a)). The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste or they engage in underground injection of waste.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R95-4/R95-6 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500

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100 W. Randolph St.
Chicago, IL 60601
(312) 814-6931

Address all questions to Michael J. McCambridge, at (312) 814-6924.

- 12) Initial regulatory flexibility analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 6, 1995.

B) Types of small businesses affected: The existing rules and proposed amendments affect small businesses that generate, transport, treat, store, or dispose of hazardous waste or engage in underground injection of waste.

C) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

D) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724

STANDARDS FOR OWNERS AND OPERATORS OF
HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section

724.101 Purpose, Scope and Applicability
724.103 Relationship to Interim Status Standards

SUBPART B: GENERAL FACILITY STANDARDS

Section

724.110 Applicability
724.111 Identification Number
724.112 Required Notices
724.113 General Waste Analysis
724.114 Security
724.115 General Inspection Requirements
724.116 Personnel Training
724.117 General Requirements for Ignitable, Reactive or Incompatible Wastes
724.118 Location Standards
724.119 Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section

724.130 Applicability
724.131 Design and Operation of Facility
724.132 Required Equipment
724.133 Testing and Maintenance of Equipment
724.134 Access to Communications or Alarm System
724.135 Required Aisle Space
724.137 Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section

724.150 Applicability
724.151 Purpose and Implementation of Contingency Plan
724.152 Content of Contingency Plan
724.153 Copies of Contingency Plan
724.154 Amendment of Contingency Plan

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Emergency Coordinator

Emergency Procedures

724.155
724.156

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section

724.170 Applicability
724.171 Use of Manifest System
724.172 Manifest Discrepancies
724.173 Operating Record
724.174 Availability, Retention and Disposition of Records
724.175 Annual Report
724.176 Unmanifested Waste Report
724.177 Additional Reports

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section

724.190 Applicability
724.191 Required Programs
724.192 Groundwater Protection Standard
724.193 Hazardous Constituents
724.194 Concentration Limits
724.195 Point of Compliance
724.196 Compliance Period
724.197 General Groundwater Monitoring Requirements
724.198 Detection Monitoring Program
724.199 Compliance Monitoring Program
724.200 Corrective Action Program
724.201 Corrective Action for Solid Waste Management Units

SUBPART G: CLOSURE AND POST-CLOSURE

Section

724.210 Applicability
724.211 Closure Performance Standard
724.212 Closure Plan; Amendment of Plan
724.213 Closure; Time Allowed For Closure
724.214 Disposal or Decontamination of Equipment, Structures and Soils
724.215 Certification of Closure
724.216 Survey Plat
724.217 Post-closure Care and Use of Property
724.218 Post-closure Plan; Amendment of Plan
724.219 Post-closure Notices
724.220 Certification of Completion of Post-closure Care

SUBPART H: FINANCIAL REQUIREMENTS

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| 724.402 | Action Leakage Rate |
| 724.403 | Monitoring and Inspection |
| 724.404 | Response Actions |
| 724.409 | Surveying and Recordkeeping |
| 724.410 | Closure and Post-closure Care |
| 724.412 | Special Requirements for Ignitable or Reactive Waste |
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| 724.414 | Special Requirements for Bulk and Containerized Liquids |
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| 724.416 | Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs) |
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SUBPART S: CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

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| Section | Corrective Action Management Units |
| 724.652 | Temporary Units |

SUBPART W: DRIP PADS

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| 724.671 | Design and installation of new drip pads |
| 724.672 | Design and operating requirements |
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SUBPART X: MISCELLANEOUS UNITS

| | |
|---------|--|
| Section | Applicability |
| 724.700 | Environmental Performance Standards |
| 724.701 | Monitoring, Analysis, Inspection, Response, Reporting and Corrective |

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| 724.703 | Action |
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| | SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS |
| | Applicability |
| 724.930 | Definitions |
| 724.931 | Standards: Process Vents |
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SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

| | |
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| Section | Applicability |
| 724.950 | Definitions |
| 724.951 | Standards: Pumps in Light Liquid Service |
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| 724.955 | Standards: Open-ended Valves or Lines |
| 724.956 | Standards: Valves in Gas/Vapor or Light Liquid Service |
| 724.957 | Standards: Pumps, Valves, Pressure Relief Devices and Other Connectors |
| 724.958 | Standards: Delay of Repair |
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| 724.960 | Alternative Percentage Standard for Valves |
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SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

| | |
|---------|--|
| Section | Applicability |
| 724.980 | Definitions |
| 724.981 | Standards: General |
| 724.982 | Waste Determination Procedures |
| 724.983 | Standards: Tanks |
| 724.984 | Standards: Surface Impoundments |
| 724.985 | Standards: Containers |
| 724.986 | Standards: Closed-vent Systems and Control Devices |
| 724.987 | Inspection and Monitoring Requirements |
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724.990 Reporting Requirements
724.991 Alternative Control Requirements for Tanks

SUBPART DD: CONTAINMENT BUILDINGS

Section
724.1100 Applicability
724.1101 Design and operating standards
724.1102 Closure and post-closure care

APPENDIX A Recordkeeping Instructions
APPENDIX B EPA Report Form and Instructions (Repealed)
APPENDIX D Cochran's Approximation to the Behrens-Fisher Student's T-Test
APPENDIX E Examples of Potentially Incompatible Waste
APPENDIX I Groundwater Monitoring List

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. _____, effective _____.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: GENERAL PROVISIONS

Section 724.101 Purpose, Scope and Applicability

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- a) The purpose of this Part is to establish minimum standards which that define the acceptable management of hazardous waste.
b) The standards in this Part apply to owners and operators of all facilities which that treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.
c) The requirements of this Part apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 U.S.C. 1431-1434, 33 U.S.C. 1401) only to the extent they are included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act and 35 Ill. Adm. Code 703.121.
BOARD NOTE: This Part does apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.
d) The requirements of this Part apply to a person disposing of hazardous waste by means of underground injection subject to a permit issued by the Agency pursuant to Section 12(g) of the Environmental Protection Act only to the extent they are required by 35 Ill. Adm. Code 7047-Subpart F.
BOARD NOTE: This Part does apply to the above-ground treatment or storage of hazardous waste before it is injected underground.
e) The requirements of this Part apply to the owner or operator of a POTW (publicly owned treatment works) which that treats, stores, or disposes of hazardous waste only to the extent included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141.
f) This subsection corresponds with 40 CFR 264.1(f), which provides that the federal regulations do not apply to T/S/D activities in authorized states, except under limited, enumerated circumstances. This statement maintains structural consistency with U.S. EPA rules.
g) The requirements of this Part do not apply to:
1) The owner or operator of a facility permitted by the Agency under Section 21 of the Environmental Protection Act to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105.
BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit under 35 Ill. Adm. Code 807.219.
2) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4) (except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726.Subparts C, F, G, or H or 35 Ill. Adm. Code 739).
3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134.

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- 4) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170.
- 5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110.
- 6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code 728.117(b)(1) or ~~corrosive--(B002)~~ reactive (D003) waste to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b)--~~of this part~~.
- 7) Immediate response:
- A) Except as provided in subsection ~~(f)(1)(B)~~ (g)(8)(B) below, a person engaged in treatment or containment activities during immediate response to any of the following situations:
- A discharge of a hazardous waste;
 - An imminent and substantial threat of a discharge of hazardous waste;
 - A discharge of a material that ~~which~~ when discharged becomes a hazardous waste when discharged.
- B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of ~~Subparts 724.Subparts C and D.~~
- C) Any person ~~who~~ that is covered by subsection ~~(f)(1)(B)~~ (g)(8)(A) above and ~~who~~ that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities. ~~err~~
- 8) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.
- 9) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container, and Sections 724.117(b), 724.271, and 724.272 are complied with.
- h) This Part applies to owners and operators of facilities ~~which~~ that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 726.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART B: GENERAL FACILITY STANDARDS

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Section 724.113 General Waste Analysis

a) Analysis:

- Before an owner or operator treats, stores, or disposes of any hazardous wastes, or non-hazardous wastes if applicable under Section 724.213(d), the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information ~~which~~ that must be known to treat, store, or dispose of the waste in accordance with this Part and 35 Ill. Adm. Code 728.
 - The analysis may include data developed under 35 Ill. Adm. Code 721r and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes.
BOARD NOTE: For example, the facility's records of analyses performed on the waste before the effective date of these regulations⁷ or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility may be included in the data base required to comply with subsection (a)(1) above. The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1) above, except as otherwise specified in 35 Ill. Adm. Code 728.107(b) and (c). If the generator does not supply the information, and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.
 - The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:
 - When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), has changed; and
 - For off-site facilities, when the results of the inspection required in subsection (a)(4) below indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.
 - The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste ~~movement~~ shipment received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.
- b) The owner or operator shall develop and follow a written waste analysis plan ~~which~~ that describes the procedures ~~which~~ that it will carry out to comply with subsection (a) above. The owner or operator

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shall keep this plan at the facility. At a minimum, the plan must specify:

- 1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a) above).

- 2) The test methods which that will be used to test for these parameters.

- 3) The sampling method which that will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:

- A) One of the sampling methods described in 35 Ill. Adm. Code 721.Appendix A; or
- B) An equivalent sampling method.

BOARD NOTE: See 35 Ill. Adm. Code 720.121 ~~for related discussion.~~

- 4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date.

- 5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.

- 6) Where applicable, the methods which that will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections 724.117, 724.414, 724.441, 724.934(d), and 724.963(d), and 724.983 and 35 Ill. Adm. Code 728.107. ~~And~~

- 7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for:

- A) The sampling of impoundment contents;
- B) The analysis of test data; and
- C) The annual removal of residues which that are not delisted under 35 Ill. Adm. Code 720.122 or which exhibit a characteristic of hazardous waste and either:
 - i) Do not meet applicable treatment standards of 35 Ill. Adm. Code 728.Subpart D; or
 - ii) Where no treatment standards have been established, ~~such~~ such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139+ or such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.133(f).

- 8) For owners and operators seeking an exemption to the air emission standards of 724.Subpart CC in accordance with Section 724.982:

- A) The procedures and schedules for waste sampling and analysis and the analysis of test data to verify the exemption, and
- B) Each generator's notice and certification of the volatile

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organic concentration in the waste if the waste is received from off site.

- c) For off-site facilities, the waste analysis plan required in subsection (b) above must also specify the procedures which that will be used to inspect and, if necessary, analyze each movement shipment of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:

- 1) The procedures which that will be used to determine the identity of each movement of waste managed at the facility; and
- 2) The sampling method which that will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling; and
- 3) The procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.

BOARD NOTE: 35 Ill. Adm. Code 703+ requires that the waste analysis plan be submitted with Part B of the permit application.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 724.115 General Inspection Requirements

- a) The owner or operator shall conduct inspections often enough to identify problems in time to correct them before they harm human health or the environment. The owner or operator shall inspect the facility for malfunctions and deterioration, operator errors, and discharges which that may be causing or may lead to:

- 1) Release of hazardous waste constituents to the environment; or
- 2) A threat to human health.

- b) Inspection schedule.

- 1) The owner or operator shall develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.

- 2) The owner or operator shall keep this schedule at the facility.
- 3) The schedule ~~must~~ identify the types of ~~malfunctions or deterioration~~ which that are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).

- 4) The frequency of inspection may vary for the items on the schedule. However, it should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration,

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malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in Sections 724.274, 724.293, 724.295, 724.326, 724.354, 724.378, 724.403, 724.447, 724.702, 724.933, 724.952, 724.953, and 724.958, 724.988, and 724.991(b), where applicable.

BOARD NOTE: 35 Ill. Adm. Code 703 requires the inspection schedule to be submitted with Part B of the permit application. The Agency ~~will~~ must evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the Agency may modify or amend the schedule as may be necessary.

c) The owner or operator shall remedy any deterioration or malfunction of equipment or structures ~~which~~ that the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

d) The owner or operator shall record inspections in an inspection log or summary. The owner or operator shall keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made and the date, and nature of any repairs or other remedial actions.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section 724.156 Emergency Procedures

a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) shall immediately:

- 1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
- 2) Notify appropriate state or local agencies with designated response roles if their help is needed.

b) Whenever there is a release, fire, or explosion, the emergency coordinator shall immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of facility records or manifests, and, if necessary, by chemical analysis.

c) Concurrently, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and

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indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat-induced explosions).

d) If the emergency coordinator determines that the facility has had a release, fire, or explosion that could threaten human health or the environment, outside the facility, the emergency coordinator shall report the findings as follows:

- 1) If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify appropriate local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated; and
- 2) The emergency coordinator shall immediately notify either the government official designated as the on-scene coordinator for that geographical area (in the applicable regional contingency plan under 40 CFR Part 300) or the National Response Center (using their 24-hour toll free number 800-424-8802). The report must include:
 - A) Name and telephone number of reporter;
 - B) Name and address of facility;
 - C) Time and type of incident (e.g., release, fire);
 - D) Name and quantity of ~~material~~ material involved, to the extent known;
 - E) The extent of injuries, if any; and
 - F) The possible hazards to human health or the environment outside the facility.

e) During an emergency, the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing release waste, and removing or isolating containers.

f) If the facility stops operations in response to a fire, explosion, or release, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

g) Immediately after an emergency, the emergency coordinator shall provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

BOARD NOTE: Unless the owner or operator can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(e) (d) or (e), that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722, 723, and 724.

h) The emergency coordinator shall ensure that in the affected area(s)

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areas of the facility:

- 1) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and
- 2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.
- i) The owner or operator shall notify the Agency⁷ and appropriate state and local authorities⁷ that the facility is in compliance with paragraph subsection (h) above before operations are resumed in the affected ~~areas~~⁷ areas of the facility.
- j) The owner or operator shall note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, the owner or operator shall submit a written report on the incident to the Agency. The report must include:
 - 1) Name, address, and telephone number of the owner or operator;
 - 2) Name, address, and telephone number of the facility;
 - 3) Date, time, and type of incident (e.g., fire, explosion);
 - 4) Name and quantity of ~~materials~~⁷ materials involved;
 - 5) The extent of injuries, if any;
 - 6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
 - 7) Estimated quantity and disposition of recovered material that resulted from the incident.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 724.173 Operating Record

- a) The owner or operator shall keep a written operating record at the facility.
- b) The following information must be recorded⁷ as it becomes available⁷ and maintained in the operating record until closure of the facility:
 - 1) A description and the quantity of each hazardous waste received⁷ and the method or methods and date or dates of its treatment, storage, or disposal at the facility², as required by Section 724.107 or 728.107;
 - 2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;

BOARD NOTE: See Section 724.219 for related requirements.

- 3) Records and results of waste analyses and waste determinations

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performed as specified in Sections 724.113, 724.117, 724.414, 724.441, 724.934, 724.963, and 724.983 and in 35 Ill. Adm. Code 728.104(a) and 728.107;

- 4) Summary reports and details of all incidents that require implementing the contingency plan² as specified in Section 724.156(j);
- 5) Records and results of inspections² as required by Section 724.115(d) (except these data need to be kept only three years);
- 6) Monitoring, testing² or analytical data and corrective action data where required by 724.107, 724.109, 724.119, 724.291, 724.293, 724.295, 724.327, 724.323, 724.326, 724.352 through 724.354, 724.376, 724.378, 724.380, 724.402 through 724.404, 724.409, 724.447, 724.702, 724.734(c) through (f), 724.935, 724.963(d) through (i), or 724.964, 724.988, 724.989, and 724.991-2
- 7) For off-site facilities, notices to generators as specified in Section 724.112(b);
- 8) All closure cost estimates under Section 724.242 and, for disposal facilities, all post-closure cost estimates under Section 724.244;
- 9) A certification by the permittee, no less often than annually: that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that the permittee generates, to the degree the permittee determines to be economically practicable²; and that the proposed method of treatment, storage, or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment;
- 10) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105, a petition to 35 Ill. Adm. Code 728.106 or a certification under 35 Ill. Adm. Code 728.108, and the applicable notice required of a generator under 35 Ill. Adm. Code 728.107(a);
- 11) For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;
- 12) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;
- 13) For an off-site land disposal facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107 or 728.108, whichever is applicable; and

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Protection of human health and the environment includes, but is not limited to:

a) Prevention of any releases that may have adverse effects on human health or the environment due to migration of waste constituents in the groundwater of subsurface environment, considering:

- 1) The volume and physical and chemical characteristics of the waste in the unit, including its potential for migration through soil, liners, or other containing structures;
- 2) The hydrologic and geologic characteristics of the unit and the surrounding area;
- 3) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater;
- 4) The quantity and direction of groundwater flow;
- 5) The proximity to and withdrawal rates of current and potential groundwater users;
- 6) The patterns of land use in the region;
- 7) The potential for deposition or migration of waste constituents into subsurface physical structures, and into the root zone of food-chain crops and other vegetation;
- 8) The potential for health risks caused by human exposure to waste constituents; and
- 9) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.

b) Prevention of any releases that may have adverse effects on human health or the environment due to migration of waste constituents in surface water, or in wetlands, or on the soil surface, considering:

- 1) The volume and physical and chemical characteristics of the waste in the unit;
- 2) The effectiveness and reliability of containing, confining, and collecting systems and structures in preventing migration;
- 3) The hydrologic characteristics of the unit and surrounding area, including the topography of the land around the unit;
- 4) The patterns of precipitation in the region;
- 5) The quantity, quality, and direction of groundwater flow;
- 6) The proximity of the unit to surface waters;
- 7) The current and potential uses of the nearby surface waters and any water quality standards in 35 Ill. Adm. Code 302 or 303;
- 8) The existing quality of surface waters and surface soils, including other sources of contamination and their cumulative impact on surface waters and surface soils;
- 9) The patterns of land use in the region;
- 10) The potential for health risks caused by human exposure to waste constituents; and
- 11) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.

c) Prevention of any release that may have adverse effects on human health or the environment due to migration of waste constituents in

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the air, considering:

- 1) The volume and physical and chemical characteristics of the waste in the unit, including its potential for the emission and dispersal of gases, aerosols, and particulates;
- 2) The effectiveness and reliability of systems and structures to reduce or prevent emissions of hazardous constituents to the air;
- 3) The operating characteristics of the unit;
- 4) The atmospheric, meteorologic, and topographic characteristics of the unit and the surrounding area;
- 5) The existing quality of the air, including other sources of contamination and their cumulative impact on the air;
- 6) The potential for health risks caused by human exposure to waste constituents; and
- 7) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by waste constituents.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 724.933 Standards: Closed-vent Systems and Control Devices

a) Compliance Required.

- 1) Owners or operators of closed-vent systems and control devices used to comply with provisions of this Part shall comply with the provisions of this Section.
- 2) The owner or operator of an existing facility who that cannot install a closed-vent system and control device to comply with the provisions of this Subpart on the effective date that the facility becomes subject to the provisions of this Subpart shall prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 18 months after the effective date that the facility becomes subject to this Subpart for installation and startup. All units that begin operation after December 21, 1990, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 2-year implementation schedule does not apply to these units.

b) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 724.932(a)(1) for all affected process vents is attained at an efficiency less than 95 weight percent.

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- c) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds and not in carbon equivalents, on a dry basis, corrected to 3 percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760° C. If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame zone of the boiler or process heater.

d) Flares:

- 1) A flare must be designed for and operated with no visible emissions, as determined by the methods specified in subsection (e)(1), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.
- 2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(f) and (f)(2)(C) below.
- 3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater ~~if~~ and the flare is steam-assisted or air-assisted; or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater ~~if~~ and the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2) below.
- 4) Exit Velocity.
 - A) A steam-assisted or nonassisted flare must be designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) below, less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (e)(3)(4)(C) below.
 - B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) below, equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).
 - C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) below, less than the velocity, V_L as determined by the method specified in subsection (e)(4) below and less than 122 m/s (400 ft/s) is allowed.
- 5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V_L , as determined by the method specified in subsection (e)(5) below.
- 6) A flare used to comply with this Section must be steam-assisted, air-assisted, or nonassisted.

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- e) Compliance determination and equations.
- 1) Reference Method 22 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to determine the compliance of a flare with the visible emission provisions of this Subpart. The observation period is 2 hours and must be used according to Method 22.
 - 2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H[T] = K \times \sum_{i=1}^n C[i] \times H[i]$$

Where:

$H[T]$ is the net heating value of the sample in MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25° C and 760 mm Hg, but the standard temperature for determining the volume corresponding to 1 mole is 20° C.

$K = 1.74 \times 10^{-7}$ (1/ppm)(g mol/scm)(MJ/kcal) where standard temperature for (g mol/scm) 20° C.

$\text{SUM}(X_i)$ means the sum of the values of X for each component i , from $i=1$ to n .

$C[i]$ is the concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 in 40 CFR 60, and for carbon monoxide, by ASTM B446 D 1946-90, incorporated by reference in 35 Ill. Adm. Code 720.111.

$H[i]$ is the net heat of combustion of sample component i , kcal/gmol at 25° C and 760 mm Hg. The heats of combustion must be determined using ASTM B232 D 2382, incorporated by reference in 35 Ill. Adm. Code 720.111, if published values are not available or cannot be calculated.

- 3) The actual exit velocity of a flare must be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

- 4) The maximum allowed velocity in m/s, V for a flare complying with subsection (d)(4)(C) must be determined by the following equation:

$$E06(V) = -\{H + 28.8\} - 31.7$$

$$\log[10] V[\max] = H[T] + 28.8$$

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31.7

Where:

Log means logarithm to the base 10

H is the net heating value as determined in subsection (e)(2).

- 5) The maximum allowed velocity in m/s, V for an air-assisted flare must be determined by the following equation:

$$V = 0.796 - 0.0004H$$

$$V = 8.706 + 0.7084 \times 10[T]$$

Where:

H[T] is the net heating value as determined in subsection (e)(2) below.

- f) The owner or operator shall monitor and inspect each control device required to comply with this Section to ensure proper operation and maintenance of the control device by implementing the following requirements:

1) Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor must be installed in the vent stream at the nearest feasible point to the control device inlet but before the point at which the vent streams are combined.

2) Install, calibrate, maintain and operate according to the manufacturer's specifications a device to continuously monitor control device operation as specified below:

A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of $\pm 1 \pm 1$ percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5 \pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.

B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of $\pm 1 \pm 1$ percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5 \pm 0.5^{\circ}\text{C}$, whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and

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a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.

- C) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.

D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of $\pm 1 \pm 1$ percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5 \pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.

E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure ~~a parameter that indicates the combustion zone temperature~~ operating practices are being used.

F) For a condenser, either:

i) A monitoring device equipped with continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or

ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of $\pm 1 \pm 1$ percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5 \pm 0.5^{\circ}\text{C}$, whichever is greater. One temperature sensor must be installed at a location in the exhaust vent stream from the condenser, and a second temperature sensor must be installed at a location in the exhaust fluid exiting the condenser.

G) For a carbon adsorption system that regenerates the carbon bed directly in the control device such as a fixed-bed carbon adsorber, either:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed, or

ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time basis.

- 3) Inspect the readings from each monitoring device required by subsection (f)(1) and (f)(2) at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure the control device operates in compliance with the requirements of this Section.

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g) An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life established as a requirement of Section 724.935(b)(4)(C)(vi).

h) An owner or operator using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:

1) Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater than 20 percent of the time required to consume the total carbon working capacity established as a requirement of Section 724.935(b)(4)(C)(vii), whichever is longer.

2) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 724.935(b)(4)(C)(vii).

i) An alternative operational or process parameter may be monitored if the operator demonstrates that the parameter will ensure that the control device is operated in conformance with these standards and the control device's design specifications.

j) An owner or operator of an affected facility seeking to comply with the provisions of this Part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.

k) Closed vent systems.

1) Closed-vent systems must be designed for an operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background and by visual inspections, as determined by the methods specified at Section 724.934(b).

2) Closed-vent systems must be monitored to determine compliance with this Section during the initial leak detection monitoring, which must be conducted by the date that the facility becomes subject to the provisions of this Section annually, and at other times as specified in the RCRA permit. For the annual leak detection monitoring after the initial leak detection monitoring, the owner or operator is not required to monitor those closed-vent system components that operate in vacuum service or

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those closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of metal pipe or a bolted and gasketed pipe flange).

3) Detectable emissions, as indicated by an instrument reading greater than 500 ppm and visual inspections, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected.

4) A first attempt at repair must be made no later than 5 calendar days after the emission is detected.

l) Closed-vent systems and control devices used to comply with provisions of this Subpart must be operated at all times when emissions may be vented to them.

m) The owner or operator using a carbon adsorption system shall document that all carbon removed from a carbon adsorption system to comply with subsections (g) and (h) above is managed in one of the following manners:

1) It is regenerated or reactivated in a thermal treatment unit that is permitted under 724.Subpart X,

2) It is incinerated by a process that is permitted under 724.Subpart O, or

3) It is burned in a boiler or industrial furnace that is permitted under 724.Subpart H.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section 724.963 Test Methods and Procedures

a) Each owner or operator subject to the provisions of this Subpart shall comply with the test methods and procedures requirements provided in this Section.

b) Leak detection monitoring, as required in Sections 724.952 through 724.962, must comply with the following requirements:

1) Monitoring must comply with Reference Method 21 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.

2) The detection instrument must meet the performance criteria of Reference Method 21.

3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

4) Calibration gases must be:

A) Zero air (less than 10 ppm of hydrocarbon in air).

B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than 10,000 ppm methane or n-hexane.

5) The instrument probe must be traversed around all potential leak

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interfaces as close to the interface as possible as described in Reference Method 21.

- c) When equipment is tested for compliance with no detectable emissions, as required in Sections 724.952(e), 724.953(i), 724.954, and 724.957(f), the test must comply with the following requirements:

- 1) The requirements of subsections (b)(1) through (4) above apply.
- 2) The background level must be determined as set forth in Reference Method 21.
- 3) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
- 4) This arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

- d) In accordance with the waste analysis plan required by Section 724.113(b), an owner or operator of a facility shall determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with organic concentration that equals or exceeds 10 percent by weight using the following:

- 1) Methods described in ASTM Methods B-23677-E-1697-E-1687-E-260 D 2267-88, E 168-88, E 169-87, and E 260-85, incorporated by reference in 35 Ill. Adm. Code 720.111;

- 2) Method 9060 or 8240 of SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111; or

- 3) Application of the knowledge of the nature of the hazardous waste stream or the process by which it was produced.

Documentation of a waste determination by knowledge is required. Examples of documentation that must be used to support a determination under this provision include production process information documenting that no organic compounds are used, information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to have a total organic content less than 10 percent, or prior speciation analysis results on the same wastewater where it is also documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.

- e) If an owner or operator determines that a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the determination can be revised only after following the procedures in subsection (d)(1) or (2) above.

- f) When an owner or operator and the Agency do not agree on whether a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the procedures in subsection (d)(1) or (2) above must be used to resolve the dispute.

- g) Samples used in determining the percent organic content must be

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representative of the highest total organic content hazardous waste that is expected to be contained in or contact the equipment.

- h) To determine if pumps or valves are in light liquid service, the vapor pressures of constituents must either be obtained from standard reference texts or be determined by ASTM B-2879 D 2879-86, incorporated by reference in 35 Ill. Adm. Code 720.111.

- i) Performance tests to determine if a control device achieves 95 weight percent organic emission reduction must comply with the procedures of Section 724.934(c)(1) through (4) (c)(4).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 724.980 Applicability

- a) The requirements of this Subpart apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to 724. Subpart I, J, or K, except as Section 724.101 and subsection (b) below provide otherwise.
- b) The requirements of this Subpart do not apply to the following waste management units at the facility:

- 1) A waste management unit that holds hazardous waste placed in the unit before June 5, 1995, and in which no hazardous waste is added to the unit on or after June 5, 1995.
- 2) A container that has a design capacity less than or equal to 0.1 m(3) (3.5 ft(3) or 26.4 gal).
- 3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is generated as the result of implementing remedial activities required pursuant to the Act or Board regulations or under the corrective action authorities of RCRA sections 3004(u), 3004(v) or 3008(h); CERCLA authorities; or similar federal or state authorities.
- 6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act (42 U.S.C. 2011 et seq.) and the Nuclear Waste Policy Act.

- c) For the owner and operator of a facility subject to this Subpart and who received a final RCRA permit prior to June 5, 1995, the

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requirements of this Subpart shall be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705. Until such date when the owner and operator receives a final permit incorporating the requirements of this Subpart, the owner and operator is subject to the requirements of 35 Ill. Adm. Code 725. Subpart CC.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 724.981 Definitions

As used in this Subpart, all terms shall have the meaning given to them in 35 Ill. Adm. Code 725.981, RCRA, and 35 Ill. Adm. Code 720.110.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 724.982 Standards: General

a) This Section applies to the management of hazardous waste in tanks, surface impoundments, and containers subject to this Subpart.
b) The owner or operator shall control air emissions from each waste management unit in accordance with standards specified in Section 724.984 through 724.987, as applicable to the waste management unit, except as provided for in subsection (c) below.

c) A waste management unit is exempted from standards specified in Sections 724.984 through 724.987, provided that all hazardous waste placed in the waste management unit is determined by the owner or operator to meet either of the following conditions:

1) The average VO concentration of the hazardous waste at the point of waste origination is less than 100 parts per million by weight (ppmw). The average VO concentration shall be determined by the procedures specified in Section 724.983(a).

2) The organic content of the hazardous waste has been reduced by an organic destruction or removal process that achieves any one of the following conditions:

A) The process removes or destroys the organics contained in the hazardous waste to a level such that the average VO concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (C_{exit}) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process shall be determined using the procedures specified in Section 724.983(b).

B) The process removes or destroys the organics contained in the hazardous waste to a level such that the organic

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reduction efficiency (R) for the process is equal to or greater than 95 percent, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 50 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures specified in Section 724.983(b).

C) The process removes or destroys the organics contained in the hazardous waste to a level such that the actual organic mass removal rate (MR) for the process is greater than the required organic mass removal rate (RMR) established for the process. The required organic mass removal rate and the actual organic mass removal rate for the process shall be determined using the procedures specified in Section 724.983(b).

D) The process is a biological process that destroys or degrades the organics contained in the hazardous waste so that either of the following conditions is met:

i) The organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the organic biodegradation efficiency (R_(bio)) for the process is equal to or greater than 95 percent. The organic reduction efficiency and the organic biodegradation efficiency for the process shall be determined in accordance with the procedures specified in Section 724.983(b).

ii) The total actual organic mass biodegradation rate (MR_(bio)) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process shall be determined using the procedures specified in Section 724.983(b).

E) The process removes or destroys the organics contained in the hazardous waste and meets all of the following conditions:

i) All of the materials entering the process are hazardous wastes.

ii) From the point of waste origination through the point where the hazardous waste enters the process, the hazardous waste is continuously managed in waste management units which use air emission controls in accordance with the standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit.

iii) The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest

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average VO concentration at the point of waste origination, determined for each of the individual hazardous waste streams entering the process, or 100 ppmw, whichever value is lower. The average VO concentration of each individual hazardous waste stream at the point of waste origination shall be determined using the procedure specified in Section 724.983(a). The average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedure specified in Section 724.983(b).

F) A hazardous waste incinerator for which the owner or operator has either:

- i) Been issued a final permit under 35 Ill. Adm. Code 703 and 705, and designs and operates the unit in accordance with the requirements of 724.Subpart O; or
- ii) Has certified compliance with the interim status requirements of 35 Ill. Adm. Code 725.Subpart O.

G) A boiler or industrial furnace for which the owner or operator has either:

- i) Been issued a final permit under 35 Ill. Adm. Code 703 and 705, and designs and operates the unit in accordance with the requirements of 35 Ill. Adm. Code 726.Subpart H; or
- ii) Has certified compliance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.

d) When a process is used for the purpose of treating a hazardous waste to meet one of the sets of conditions specified in subsections (c)(2)(A) through (c)(2)(E) above, each material removed from or exiting the process that is not a hazardous waste but which has an average VO concentration equal to or greater than 100 ppmw shall be managed in a waste management unit in accordance with the requirements of subsection (b) above.

e) The Agency may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container that is exempted from using air emission controls under the provisions of this Section as follows:

- 1) The waste determination for average VO concentration of a hazardous waste at the point of waste origination shall be performed using direct measurement in accordance with the applicable requirements of Section 724.983(a). The waste determination for a hazardous waste at the point of waste treatment shall be performed in accordance with the applicable requirements of Section 724.983(b).

2) Where the owner or operator is requested to perform the waste determination, the Agency may elect to have an authorized representative observe the collection of the hazardous waste

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samples used for the analysis.

- 3) Where the results of the waste determination performed or requested by the Agency do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of subsection (e)(1) above shall be used to establish compliance with the requirements of this Subpart.

4) Where the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the Agency may elect to establish compliance with this Subpart by performing or requesting that the owner or operator perform a waste determination using direct measurement based on waste samples collected within a one-hour period as follows:

- A) The average VO concentration of the hazardous waste at the point of waste origination shall be determined by direct measurement in accordance with the requirements of Section 724.983(a).

B) Results of the waste determination performed or requested by the Agency showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 100 ppmw shall constitute noncompliance with this Subpart, except in a case as provided for in subsection (e)(4)(C) below.

C) Where the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 100 ppmw but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for any given one-hour period may be equal to or greater than 100 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of Section 724.983(a) and Section 724.989 shall be considered by the Agency together with the results of the waste determination performed or requested by the Agency in establishing compliance with this Subpart.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 724.983 Waste Determination Procedures

- a) Waste determination procedure for average volatile organic (VO)

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concentration of a hazardous waste at the point of waste origination.

- 1) An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in waste management units exempted under the provisions of Section 724.982(c)(1) from using air emission controls in accordance with standards specified in Section 724.984 through Section 724.987, as applicable to the waste management unit.
- 2) The VO concentration at the point of waste origination for a hazardous waste shall be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(a)(2) through (a)(6).

b) Waste determination procedures for treated hazardous waste.

- 1) An owner or operator shall perform the applicable waste determinations for each treated hazardous waste placed in waste management units exempted under the provisions of Section 724.982(c)(2) from using air emission controls in accordance with standards specified in Section 724.984 through 724.987, as applicable to the waste management unit.
- 2) The waste determination for a treated hazardous waste shall be performed in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(b)(2) through (b)(10), as applicable to the treated hazardous waste.

c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.

- 1) An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in tanks using air emission controls in accordance with standards specified in Section 724.984(c).
- 2) The maximum organic vapor pressure of the hazardous waste shall be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(c)(2) through (c)(4).

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 724.984 Standards: Tanks

- a) This Section applies to owners and operators of tanks subject to this Subpart into which any hazardous waste is placed, except for the following tanks:

- 1) A tank in which all hazardous waste entering the tank meets the conditions specified in Section 724.982(c), or
 - 2) A tank used for biological treatment of hazardous waste in accordance with the requirements of Section 724.982(c)(2)(D).
- The owner or operator shall place the hazardous waste into one of the following tanks:
- 1) A tank equipped with a cover (e.g., a fixed roof) that is vented through a closed-vent system to a control device in accordance

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- 2) with the requirements specified in subsection (d) below:
- A tank equipped with a fixed roof and internal floating roof in accordance with the requirements of Section 724.991;
- 3) A tank equipped with an external floating roof in accordance with the requirements of Section 724.991; or
- 4) A pressure tank that is designed to operate as a closed system such that the tank operates with no detectable organic emissions at all times that hazardous waste is in the tank except as provided for in subsection (g) below.

c) As an alternative to complying with subsection (b) above, an owner or operator may place hazardous waste in a tank equipped with a cover (e.g., a fixed roof) meeting the requirements specified in subsection (d)(1) below when the hazardous waste is determined to meet all of the following conditions:

- 1) The hazardous waste is not mixed, stirred, agitated, or circulated within the tank by the owner or operator using a process that results in splashing, frothing, or visible turbulent flow on the waste surface during normal process operations;
- 2) The hazardous waste in the tank is not heated by the owner or operator except during conditions requiring that the waste be heated to prevent the waste from freezing or to maintain adequate waste flow conditions for continuing normal process operations;
- 3) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process or a process that produces an exothermic reaction; and
- 4) The maximum organic vapor pressure of the hazardous waste in the tank, as determined using the procedure specified in Section 724.983(c), is less than the following applicable value:

A) If the tank design capacity is equal to or greater than 151 m(3) (5333 ft(3) or 39,887 gal), then the maximum organic vapor pressure shall be less than 5.2 kPa (0.75 psia or 39 mm Hg);

B) If the tank design capacity is equal to or greater than 75 m(3) (2649 ft(3) or 19,810 gal) but less than 151 m(3) (5333 ft(3) or 39,887 gal), then the maximum organic vapor pressure shall be less than 27.6 kPa (4.0 psia or 207 mm Hg); or

C) If the tank design capacity is less than 75 m(3) (2649 ft(3) or 19,810 gal), then the maximum organic vapor pressure shall be less than 76.6 kPa (11.1 psia or 574 mm Hg).

- d) To comply with subsection (b)(1) above, the owner or operator shall design, install, operate, and maintain a cover that vents the organic vapors emitted from hazardous waste in the tank through a closed-vent system connected to a control device.

1) The cover shall be designed and operated to meet the following requirements:

- A) The cover and all cover openings (e.g., access hatches, sampling ports, and gauge wells) shall be designed to

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operate with no detectable organic emissions when all cover openings are secured in a closed, sealed position; and

B) Each cover opening shall be secured in a closed, sealed position (e.g., covered by a gasketed lid or cap) at all times that hazardous waste is in the tank except as provided for in subsection (f) below.

- 2) The closed-vent system and control device shall be designed and operated in accordance with the requirements of Section 724.987. The owner and operator shall install, operate, and maintain enclosed pipes or other closed-systems so:

BOARD NOTE: U.S. EPA considers a drain system that meets the requirements of 40 CFR 61.346(a)(1) or (b)(1) through (b)(3) to be a "closed-system". The Board intends that this meaning be included in the use of that term for the purposes of this Subpart.

- 1) Transfer all hazardous waste to the tank from another tank, surface impoundment, or container subject to this Subpart except for those hazardous wastes that meet the conditions specified in Section 724.982(c); and
- 2) Transfer all hazardous waste from the tank to another tank, surface impoundment, or container subject to this Subpart except for those hazardous wastes that meet the conditions specified in Section 724.982(c).

- f) Each cover opening shall be secured in a closed, sealed position (e.g., covered by a gasketed lid) at all times that hazardous waste is in the tank except when it is necessary to use the cover opening to:

- 1) Add, remove, inspect, or sample the material in the tank;
- 2) Inspect, maintain, repair, or replace equipment located inside the tank; or
- 3) Vent gases or vapors from the tank to a closed-vent system connected to a control device that is designed and operated in accordance with the requirements of Section 724.987.

- g) One or more safety devices that vent directly to the atmosphere may be used on the tank, cover, closed-vent system, or control device provided each safety device meets all of the following conditions:

- 1) The safety device is not used for planned or routine venting of organic vapors from the tank or closed-vent system connected to a control device; and
- 2) The safety device remains in a closed, sealed position at all times, except when an unplanned event requires that the device open for the purpose of preventing physical damage or permanent deformation of the tank, cover, closed-vent system, or control device in accordance with good engineering and safety practices for handling flammable, combustible, explosive, or other hazardous materials. An example of an unplanned event is a sudden power outage.

(Source: Added at 19 Ill. Reg. _____, effective _____)

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Section 724.985 Standards: Surface Impoundments

- a) This Section applies to owners and operators of surface impoundments subject to this Subpart into which any hazardous waste is placed except for the following surface impoundments:

- 1) A surface impoundment in which all hazardous waste entering the surface impoundment meets the conditions specified in Section 724.982(c); or
- 2) A surface impoundment used for biological treatment of hazardous waste in accordance with the requirements of Section 724.982(c)(2)(D).

- b) The owner or operator shall place the hazardous waste into a surface impoundment equipped with a cover (e.g., an air-supported structure or a rigid cover) that is vented through a closed-vent system to a control device meeting the requirements specified in subsection (d) below.

- c) As an alternative to complying with subsection (b) above, an owner or operator may place hazardous waste in a surface impoundment equipped with a floating membrane cover meeting the requirements specified in subsection (e) below when the hazardous waste is determined to meet all of the following conditions:

- 1) The hazardous waste is not mixed, stirred, agitated, or circulated within the surface impoundment by the owner or operator using a process that results in splashing, frothing, or visible turbulent flow on the waste surface during normal process operations;
- 2) The hazardous waste in the surface impoundment is not heated by the owner or operator; and
- 3) The hazardous waste is not treated by the owner or operator using a waste stabilization process or a process that produces an exothermic reaction.

- d) To comply with subsection (b)(1) above, the owner or operator shall design, install, operate, and maintain a cover that vents the organic vapors emitted from hazardous waste in the surface impoundment through a closed-vent system connected to a control device.

- 1) The cover shall be designed and operated to meet the following requirements:

A) The cover and all cover openings (e.g., access hatches, sampling ports, and gauge wells) shall be designed to operate with no detectable organic emissions when all cover openings are secured in a closed, sealed position;

B) Each cover opening shall be secured in the closed, sealed position (e.g., covered by a gasketed lid or cap) at all times that hazardous waste is in the surface impoundment, except as provided for in subsection (g) below; and

C) The closed-vent system and control device shall be designed and operated in accordance with Section 724.987.

- e) To comply with subsection (c) above, the owner or operator shall

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design, install, operate, and maintain a floating membrane cover that meets all of the requirements specified in 35 Ill. Adm. Code 725.986(e)(1) through (e)(4).

- f) The owner or operator shall install, operate, and maintain enclosed pipes or other closed-systems to:

BOARD NOTE: U.S. EPA considers a drain system that meets the requirements of 40 CFR 61.346(a)(1) or (b)(1) through (b)(3) to be a "closed-system". The Board intends that this meaning be included in the use of that term for the purposes of this Subpart.

- 1) Transfer all hazardous waste to the surface impoundment from another tank, surface impoundment, or container subject to this Subpart except for those hazardous wastes that meet the conditions specified in Section 724.982(c); and
- 2) Transfer all hazardous waste from the surface impoundment to another tank, surface impoundment, or container subject to this Subpart except for those hazardous wastes that meet the conditions specified in Section 724.982(c).

- g) Each cover opening shall be secured in the closed, sealed position (e.g., a cover by a gasketed lid or cap) at all times that hazardous waste is in the surface impoundment except when it is necessary to use the cover opening to:

- 1) Add, remove, inspect, or sample the material in the surface impoundment;
- 2) Inspect, maintain, repair, or replace equipment located underneath the cover;
- 3) Remove treatment residues from the surface impoundment in accordance with the requirements of 35 Ill. Adm. Code 728.4; or
- 4) Vent gases or vapors from the surface impoundment to a closed-vent system connected to a control device that is designed and operated in accordance with the requirements of Section 724.987.

- h) One or more safety devices that vent directly to the atmosphere may be installed on the cover, closed-vent system, or control device provided each device meets all of the following conditions:

- 1) The safety device is not used for planned or routine venting of organic vapors from the surface impoundment or the closed-vent system connected to a control device; and
- 2) The safety device remains in a closed, sealed position at all times, except when an unplanned event requires that the device open for the purpose of preventing physical damage or permanent deformation of the cover, closed-vent system, or control device in accordance with good engineering and safety practices for handling flammable, combustible, explosive, or other hazardous materials. An example of an unplanned event is a sudden power outage.

(Source: Added at 19 Ill. Reg. _____, effective _____)

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Section 724.986 Standards: Containers

- a) This Section applies to the owners and operators of containers having design capacities greater than 0.1 m(3) (3.5 ft(3) or 26.4 gal) subject to this Subpart into which any hazardous waste is placed except for a container in which all hazardous waste entering the container meets the conditions specified in Section 724.982(c).

- b) An owner or operator shall manage hazardous waste in containers using the following procedures:

- 1) The owner or operator shall place the hazardous waste into one of the following containers, except when a container is used for hazardous waste treatment as required by subsection (b)(2) below:

- A) A container that is equipped with a cover which operates with no detectable organic emissions when all container openings (e.g., lids, bungs, hatches, and sampling ports) are secured in a closed, sealed position. The owner or operator shall determine that a container operates with no detectable emissions by testing each opening on the container for leaks in accordance with Method 21 in 40 CFR Part 60, Appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, the first time any portion of the hazardous waste is placed into the container. If a leak is detected and cannot be repaired immediately, the hazardous waste shall be removed from the container and the container not used to meet the requirements of this subsection until the leak is repaired and the container is retested.

- B) A container having a design capacity less than or equal to 0.46 m(3) (16.2 ft(3) or 122 gal) that is equipped with a cover and complies with all applicable Department of Transportation regulations on packaging hazardous waste for transport under 49 CFR Part 178, incorporated by reference at 35 Ill. Adm. Code 720.111.

- i) A container that is managed in accordance with the requirements of 49 CFR Part 178, incorporated by reference at 35 Ill. Adm. Code 720.111, for the purpose of complying with this Subpart, is not subject to any exceptions to the 49 CFR Part 178 regulations, except as noted in subsection (b)(1)(B)(ii) below.

- ii) A lab pack that is managed in accordance with the requirements of 49 CFR Part 178, incorporated by reference at 35 Ill. Adm. Code 720.111, for the purpose of complying with this Subpart, may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b), incorporated by reference at 35 Ill. Adm. Code 720.111.

- C) A container that is attached to or forms a part of any truck, trailer, or railcar and that has been demonstrated within the preceding 12 months to be organic vapor tight

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when all container openings are in a closed, sealed position (e.g., the container hatches or lids are gasketed and latched). For the purpose of meeting the requirements of this subsection, a container is organic vapor tight if the container sustains a pressure change of not more than 0.75 kPa (0.11 psig or 5.6 mm Hg) within 5 minutes after it is pressurized to a minimum of 4.50 kPa (0.65 psig or 33.7 mm Hg). This condition is to be demonstrated using the pressure test specified in Method 27 of 40 CFR Part 60, Appendix A, and a pressure measurement device which has a precision of ± 2.5 mm water and which is capable of measuring above the pressure at which the container is to be tested for vapor tightness.

- 2) An owner or operator treating hazardous waste in a container by either a waste stabilization process, any process that requires the addition of heat to the waste, or any process that produces an exothermic reaction shall meet the following requirements:

A) Whenever it is necessary for the container to be open during the treatment process, the container shall be located inside an enclosure that is vented through a closed-vent system to a control device.

B) The enclosure shall be a structure that is designed and operated in accordance with the following requirements:

- i) The enclosure shall be a structure that is designed and operated with sufficient airflow into the structure to capture the organic vapors emitted from the hazardous waste in the container and vent the vapors through the closed-vent system to the control device.

ii) The enclosure may have permanent or temporary openings to allow worker access, passage of containers through the enclosure by conveyor or other mechanical means, entry of permanent mechanical or electrical equipment, or to direct airflow into the enclosure. The pressure drop across each opening in the enclosure shall be maintained at a pressure below atmospheric pressure so that whenever an open container is placed inside the enclosure no organic vapors released from the container exit the enclosure through the opening. The owner or operator shall determine that an enclosure achieves this condition by measuring the pressure drop across each opening in the enclosure. If the pressure within the enclosure is equal to or greater than atmospheric pressure then the enclosure does not meet the requirements of this Section.

- C) The closed-vent system and control device shall be designed and operated in accordance with the requirements of Section 724.987.

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- 3) An owner or operator transferring hazardous waste into a container having a design capacity greater than 0.46 m³ (16.2 ft³) or 122 gal) shall meet the following requirements:

A) Hazardous waste transfer by pumping shall be performed using a conveyance system that uses a tube (e.g., pipe, hose) to add the waste into the container. During transfer of the waste into the container, the cover shall remain in place and all container openings shall be maintained in a closed, sealed position except for those openings through which the tube enters the container and as provided for in subsection (c) below. The tube shall be positioned in a manner so that:

i) The tube outlet continuously remains submerged below the waste surface at all times waste is flowing through the tube;

ii) The lower bottom edge of the tube outlet is located at a distance no greater than two inside diameters of the tube or 15.25 cm (6.0 in), whichever distance is greater, from the bottom of the container at all times waste is flowing through the tube; or

iii) The tube is connected to a permanent port mounted on the bottom of the container so that the lower edge of the port opening inside the container is located at a distance equal to or less than 15.25 cm (6.0 in) from the container bottom.

B) Hazardous waste transferred by a means other than pumping shall be performed such that during transfer of the waste into the container, the cover remains in place and all container openings are maintained in a closed, sealed position except for those openings through which the hazardous waste is added and as provided for in subsection (d) below.

- C) Each container opening shall be maintained in a closed, sealed position (e.g., covered by a gasketed lid) at all times that hazardous waste is in the container except when it is necessary to use the opening to:

1) Add, remove, inspect, or sample the material in the container;

2) Inspect, maintain, repair, or replace equipment located inside the container; or

3) Vent gases or vapors from a cover located over or enclosing an open container to a closed-vent system connected to a control device that is designed and operated in accordance with the requirements of Section 724.987.

D) One or more safety devices that vent directly to the atmosphere may be used on the container, cover, enclosure, closed-vent system, or control device provided each device meets all of the following conditions:

- 1) The safety device is not used for planned or routine venting of

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organic vapors from the container, cover, enclosure, or closed-vent system connected to a control device; and

2) The safety device remains in a closed, sealed position at all times except when an unplanned event requires that the device open for the purpose of preventing physical damage or permanent deformation of the container, cover, enclosure, closed-vent system, or control device in accordance with good engineering and safety practices for handling flammable, combustible, explosive, or other hazardous materials. An example of an unplanned event is a sudden power outage.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 724.987 Standards: Closed-vent Systems and Control Devices

a) This section applies to each closed-vent system and control device installed and operated by the owner or operator to control air emissions in accordance with standards of this Subpart.

b) The closed-vent system shall meet the following requirements:

1) The closed-vent system shall route the gases, vapors, and fumes emitted from the hazardous waste in the waste management unit to a control device that meets the requirements specified in subsection (c) below.

2) The closed-vent system shall be designed and operated in accordance with the requirements specified in Section 724.933(k) of this Part.

3) If the closed-vent system contains one or more bypass devices that could be used to divert all or a portion of the gases, vapors, or fumes from entering the control device, the owner or operator shall meet the following requirements:

A) For each bypass device, except as provided for in subsection (b)(3)(B) below, the owner or operator shall either:

i) Install, calibrate, maintain, and operate a flow indicator at the inlet to the bypass device that indicates at least once every 15 minutes whether gas, vapor, or fume flow is present in the bypass device; or

ii) Secure a valve installed at the inlet to the bypass device in the closed position using a car-seal or a lock-and-key type configuration. The owner or operator shall visually inspect the seal or closure mechanism at least once every month to verify that the valve is maintained in the closed position.

B) Low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and safety devices are not subject to the requirements of subsection (b)(3)(A) above.

c) The control device shall meet the following requirements:

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1) The control device shall be one of the following devices:

A) A control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent by weight;

B) An enclosed combustion device designed and operated in accordance with the requirements of Section 724.933(C); or

C) A flare designed and operated in accordance with the requirements of Section 724.933(d).

2) The control device shall be operating at all times when gases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device.

3) The owner or operator using a carbon adsorption system to comply with subsection (c)(1) above shall operate and maintain the control device in accordance with the following requirements:

A) Following the initial startup of the control device, all activated carbon in the control device shall be replaced with fresh carbon on a regular basis in accordance with the requirements of Section 724.933(g) or Section 724.933(h).

B) All carbon removed from the control device shall be managed in accordance with the requirements of Section 724.933(m).

4) An owner or operator using a control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with subsection (c)(1) above shall operate and maintain the control device in accordance with the requirements of Section 724.933(j).

5) The owner or operator shall demonstrate that a control device achieves the performance requirements of subsection (c)(1) above, as follows:

A) An owner or operator shall demonstrate using either a performance test, as specified in subsection (c)(5)(C) below, or a design analysis, as specified in subsection (c)(5)(D) below, the performance of each control device except for the following:

i) A flare;

ii) A boiler or process heater with a design heat input capacity of 44 megawatts or greater;

iii) A boiler or process heater into which the vent stream is introduced with the primary fuel;

iv) A boiler or process heater burning hazardous waste for which the owner or operator has been issued a final permit under 35 Ill. Adm. Code 703 and 705 and designs and operates the unit in accordance with the requirements of 35 Ill. Adm. Code 726 Subpart H; or

v) A boiler or process heater burning hazardous waste for which the owner or operator has certified compliance with the interim status requirements of 35 Ill. Adm. Code 726 Subpart H.

B) An owner or operator shall demonstrate the performance of

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each flare in accordance with the requirements specified in Section 724.933(e).

C) For a performance test conducted to meet the requirements of subsection (c)(5)(A) above, the owner or operator shall use the test methods and procedures specified in Section 724.934(c)(1) through (c)(4).

D) For a design analysis conducted to meet the requirements of subsection (c)(5)(A) above, the design analysis shall meet the requirements specified in Section 724.935(b)(4)(C).

E) The owner or operator shall demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) above based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal.

6) If the owner or operator and the Agency do not agree on a demonstration of control device performance using a design analysis then the disagreement shall be resolved using the results of a performance test performed by the owner or operator in accordance with the requirements of subsection (c)(5)(C) above. The Agency may choose to have an authorized representative observe the performance test.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 724.988 Inspection and Monitoring Requirements

a) This Section applies to an owner or operator using air emission controls in accordance with the requirements of Sections 724.984 through 724.987.

b) Each cover used in accordance with requirements of Sections 724.984 through 724.986 shall be visually inspected and monitored for detectable organic emissions by the owner or operator using the procedure specified in 35 Ill. Adm. Code 725.983(f)(1) through (f)(7), except as follows:

1) An owner or operator is exempted from performing the cover inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.983(f)(1) through (f)(7) for the floating tank cover:

A) A tank internal floating roof that is inspected and monitored in accordance with the requirements of Section 724.991; or

B) A tank external floating roof that is inspected and monitored in accordance with the requirements of Section 724.991.

2) If a tank is buried partially or entirely underground, an owner or operator is required to perform the cover inspection and

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monitoring requirements specified in 35 Ill. Adm. Code 725.989(f)(1) through (f)(7) only for those portions of the tank cover and those connections to the tank cover or tank body (e.g., fill ports, access hatches, gauge wells, etc.) that extend to or above the ground surface and can be opened to the atmosphere.

3) An owner or operator is exempted from performing the cover inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.989(f)(1) through (f)(7) for a container that meets all requirements specified in either Section 724.986(b)(1)(B) or (b)(1)(C).

4) An owner or operator is exempted from performing the cover inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.989(f)(1) through (f)(7) for an enclosure used to control air emissions from containers in accordance with the requirements of Section 724.986(b)(2).

c) Each closed-vent system used in accordance with the requirements of Section 724.987 shall be inspected and monitored by the owner or operator in accordance with the procedure specified in Section 724.933(k).

d) Each control device used in accordance with the requirements of Section 724.987 shall be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.933(f) and 724.933(i).

e) The owner or operator shall develop and implement a written plan and schedule to perform all inspection and monitoring requirements of this section. The owner or operator shall incorporate this plan and schedule into the facility inspection plan required under Section 724.115.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 724.989 Recordkeeping Requirements

a) Each owner or operator of a facility subject to requirements in this Subpart shall record and maintain the following information as applicable:

1) Documentation for each cover installed on a tank in accordance with the requirements of Section 724.984(b)(2) or 724.984(b)(3) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the applicable design specifications as listed in 35 Ill. Adm. Code 725.991(c).

2) Documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of Section 724.985(c) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor

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- describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in 35 Ill. Adm. Code 725.986(e).
- 3) Documentation for each enclosure used to control air emissions from containers in accordance with the requirements of Section 724.986(b)(2)(A) that includes information prepared by the owner or operator or provided by the manufacturer or vendor describing the enclosure design, and certification by the owner or operator that the enclosure meets the specifications listed in Section 724.986(b)(2)(B).
- 4) Documentation for each closed-vent system and control device installed in accordance with the requirements of Section 724.987 that includes:
- Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in subsection (a)(4)(B) below or by performance tests as specified in subsection (a)(4)(C) below when the tank, surface impoundment, or container is or would be operating at capacity or the highest level reasonably expected to occur.
 - If a design analysis is used, then design documentation as specified in Section 724.935(b)(4). The documentation shall include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 724.935(b)(4)(C) and certification by the owner or operator that the control equipment meets the applicable specifications.
 - If performance tests are used, then a performance test plan as specified in Section 724.935(b)(3) and all test results.
 - Information as required by Section 724.935(c)(1) and (c)(2). Records for all Method 27 tests performed by the owner or operator for each container used to meet the requirements of Section 724.986(b)(1)(C).
- 6) Records for all visual inspections conducted in accordance with the requirements of Section 724.988.
- 7) Records for all monitoring for detectable organic emissions conducted in accordance with the requirements of Section 724.988.
- 8) Records of the date of each attempt to repair a leak, repair methods applied, and the date of successful repair.
- 9) Records for all continuous monitoring conducted in accordance with the requirements of Section 724.988.
- 10) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 724.987(c)(3)(B).
- 11) Records for all inspections of each cover installed on a tank in accordance with the requirements of Section 724.984(b)(2) or

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- Section 724.984(b)(3) that includes information as listed in 35 Ill. Adm. Code 725.991(c).
- b) An owner or operator electing to use air emission controls for a tank in accordance with the conditions specified in Section 724.984(c) shall record the following information:
- Date and time each waste sample is collected for direct measurement of maximum organic vapor pressure in accordance with Section 724.983(c).
 - Results of each determination of the maximum organic vapor pressure of the waste in a tank performed in accordance with Section 724.983(c).
 - Records specifying the tank dimensions and design capacity.
- c) An owner or operator electing to use air emission controls for a tank in accordance with the requirements of Section 724.991 shall record the information required by Section 724.991(c).
- d) An owner or operator electing not to use air emission controls for a particular tank, surface impoundment, or container subject to this Subpart in accordance with the conditions specified in Section 724.982(c) shall record the information used by the owner or operator for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator shall record the date, time, and location that each waste sample is collected in accordance with applicable requirements of Section 724.983.
- e) An owner or operator electing to comply with requirements in accordance with Section 724.982(c)(2)(E) or Section 724.982(c)(2)(F) shall record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.
- f) An owner or operator designating a cover as unsafe to inspect and monitor pursuant to 35 Ill. Adm. Code 725.989(f)(5) or difficult to inspect and monitor pursuant to 35 Ill. Adm. Code 725.989(f)(6) shall record in a log that is kept in the facility operating record the following information:
- A list of identification numbers for tanks with covers that are designated as unsafe to inspect and monitor in accordance with the requirements of 35 Ill. Adm. Code 725.989(f)(5), an explanation for each cover stating why the cover is unsafe to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.
 - A list of identification numbers for tanks with covers that are designated as difficult to inspect and monitor in accordance with the requirements of 35 Ill. Adm. Code 725.989(f)(6), an explanation for each cover stating why the cover is difficult to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.
- g) All records required by subsections (a) through (f) above, except as required in subsections (a)(1) through (a)(4), shall be maintained in

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the operating record for a minimum of 3 years. All records required by subsections (a)(1) through (a)(4) above shall be maintained in the operating record until the air emission control equipment is replaced or otherwise no longer in service.

- h) The owner or operator of a facility that is subject to this Subpart and to the control device standards in 40 CFR Part 60, Subpart VV or 40 CFR Part 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to demonstrate compliance with the applicable Sections of this Subpart by documentation either pursuant to this Subpart, or pursuant to the provisions of 40 CFR Part 60, Subpart VV or 40 CFR Part 61, Subpart V, to the extent that the documentation required by 40 CFR Part 60 or 61 duplicates the documentation required by this Section.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 724.990 Reporting Requirements

- a) Each owner or operator managing hazardous waste in a tank, surface impoundment, or container exempted from using air emission controls under the provisions of Section 724.982(c) shall report to the Agency each occurrence when hazardous waste is placed in the waste management unit in noncompliance with the conditions specified in Section 724.982(c)(1) or (c)(2), as applicable. Examples of such occurrences include placing in the waste management unit a hazardous waste having an average VO concentration equal to or greater than 100 ppmw at the point of waste origination or placing in the waste management unit a treated hazardous waste which fails to meet the applicable conditions specified in Section 724.982(c)(2)(A) through (c)(2)(E). The owner or operator shall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the U.S. EPA identification number, the facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent reoccurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

- b) Each owner or operator using air emission controls on a tank in accordance with the requirements of Section 724.984(c) shall report to the Agency each occurrence when hazardous waste is managed in the tank in noncompliance with the conditions specified in Section 724.984(c)(1) through (c)(4). The owner or operator shall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the U.S. EPA identification number, the facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the

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noncompliance and prevent reoccurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

- c) Each owner or operator using a control device in accordance with the requirements of Section 724.987 shall submit a semiannual written report to the Agency excepted as provided for in subsection (d) below. The report shall describe each occurrence during the previous 6-month period when a control device is operated continuously for 24 hours or longer in noncompliance with the applicable operating values defined in Section 724.935(c)(4) or when a flare is operated with visible emissions as defined in Section 724.933(d). The written report shall include the U. S. EPA identification number, the facility name and address, and an explanation why the control device could not be returned to compliance within 24 hours, and actions taken to correct the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.
- d) A report to the Agency in accordance with the requirements of subsection (c) above is not required for a 6-month period during which all control devices subject to this Subpart are operated by the owner or operator so that during no period of 24 hours or longer did a control device operate continuously in noncompliance with the applicable operating values defined in Section 724.935(c)(4) or a flare operate with visible emissions, as defined in Section 724.933(d).

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 724.991 Alternative Control Requirements for Tanks

- a) This Section applies to owners and operators of tanks that elect to comply with Section 724.984(b)(2) or Section 724.984(b)(3).

1) The owner or operator that elects to comply with Section 724.984(b)(2) shall design, install, operate, and maintain a fixed roof and internal floating roof that meet the requirements specified in 35 Ill. Adm. Code 725.991(a)(1)(A) through (a)(1)(I).

2) The owner or operator that elects to comply with Section 724.984(b)(3) shall design, install, operate, and maintain an external floating roof that meets the requirements specified in 35 Ill. Adm. Code 725.991(a)(2)(A) through (a)(2)(C).

b) The owner or operator shall inspect and monitor the control equipment in accordance with the following requirements:

- 1) For a tank equipped with a fixed roof and internal floating roof in accordance with the requirements of subsection (a)(1) above, the owner or operator shall perform the inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.991(b)(1).
- 2) For a tank equipped with an external floating roof in accordance

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with the requirements of subsection (a)(2) above, the owner or operator shall perform the inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.991(b)(2).

- c) The owner or operator shall record the following information in the operating record in accordance with the requirements of Section 724.989(a)(1) and (a)(11):

- 1) For a tank equipped with a fixed roof and internal floating roof in accordance with the requirements of subsection (a)(1) above, the owner or operator shall record the information listed in 35 Ill. Adm. Code 725.991(c)(1).
- 2) For a tank equipped with an external floating roof in accordance with the requirements of subsection (a)(1) above, the owner or operator shall record the information listed in 35 Ill. Adm. Code 725.991(c)(2).

(Source: Added at 19 Ill. Reg. _____, effective _____)

SUPPART DD: CONTAINMENT BUILDINGS

Section 724.1102 Closure and post-closure care

- a) At closure of a containment building, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless 35 Ill. Adm. Code 724.1103(e) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for containment buildings must meet all of the requirements specified in 739.Subparts G and H.

- b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in subsection (a) above, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he must close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (35 Ill. Adm. Code 724.310). In addition, for the purposes of closure, post-closure, and financial responsibility, such a containment building is then considered to be a landfill, and the owner or operator must meet all the requirements for landfills specified in 739.Subparts G and H.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities

- 2) Code citation: 35 Ill. Adm. Code 726

- 3) Section numbers: Proposed action:

| | |
|------------------------------------|-------------|
| 726.120 | Amended |
| 726.123 | Amended |
| 726.200 | Amended |
| 726.App. A, 726.App. B, 726.App. C | Amended |
| 726.App. E | Amended |
| 726.App. M | New Section |

- 4) Statutory authority: 415 ILCS 5/22.4 and 27.

- 5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of March 2, 1995, in R95-4 and R95-6 (consolidated), which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 the Administrative Procedure Act [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates Parts 700, 702, 703, 705, 720, 721, 722, 723, 724, 725, 726, 728, 730, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste and underground injection control (UIC) rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994. During this period, U.S. EPA amended its regulations as follows:

Federal Action Summary

| | | |
|------------------------------|--------|--|
| 59 Fed. Reg. July 28, 1994 | 38536, | Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry |
| 59 Fed. Reg. August 24, 1994 | 43496, | Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTWR) of electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) that are used in a manner constituting disposal |

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59 Fed. Reg. 47980, Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of September 19, 1994 August 31, 1993, at 58 Fed. Reg. 46040

59 Fed. Reg. 47982, Phase II land disposal restrictions (LDRs): September 19, 1994 universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)

59 Fed. Reg. 62896, Organic material air emission standards for December 6, 1994 tanks, surface impoundments, and containers

In addition to these principal amendments that occurred during the update period, the Board has included an additional, later action:

60 Fed. Reg. 242, Corrections to the Phase II land disposal January 3, 1995 restrictions (universal treatment standards)

This January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

- 1) The January 3, 1995 amendments are corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;
- 2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and

- 3) The Board has received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the later amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket.

In addition to the federally-derived amendments, the Board used this opportunity to undertake a number of housekeeping and corrective amendments. We have effected the removal of all cross-references for effective dates and repealed Part 700. We have converted equations and formulae to the standard scientific format. We have tried to improve the language and structure of various provisions, including correcting grammar, punctuation, and spelling where necessary.

Specifically, the segment of the amendments involved in Part 726 results

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from three of the federal actions involved in this docket. As a result of the July 28 exclusion of certain in-process recycled secondary materials used by the petroleum refining industry, certain cross-references were changed in Section 726.200(b)(3). As a result of the August 24, 1994 withdrawal of the exemption for certain HTMR slags, limiting language was added at Section 726.120(c). As a part of the September 19, 1994 Phase II LDR rules, U.S. EPA added a limited exemption for mercury recovery furnaces, which resulted in amendment to Section 726.200(c) and the addition of Section 726.Appendix M. Amendments to Sections 726.Appendix A through 726.Appendix C and 726.Appendix E are not based on federal actions; they are limited to converting the numbers set forth to standard decimal format.

6) Will this proposed rule replace an emergency rule currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference?

Yes. 35 Ill. Adm. Code 720.111 is the central listing of all documents incorporated by reference throughout the text of 35 Ill. Adm. Code 702 through 705, 721 through 726, 728, 730, 738, and 739. The present amendments are limited to reformatting the references to ASTM methods in Section 726.200(g) to include the year code, which is actually presented by ASTM as part of the method number.

9) Are there any other amendments pending on this Part? No.

10) Statement of statewide policy objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)]. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste or they engage in underground injection of waste.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R95-4/R95-6 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500

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100 W. Randolph St.
Chicago, IL 60601
312/814-6931

Address all questions to Michael J. McCambridge, at 312-814-6924.

12) Initial regulatory flexibility analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 6, 1995.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses that generate, transport, treat, store, or dispose of hazardous waste or engage in underground injection of waste.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 726

STANDARDS FOR THE MANAGEMENT OF
SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES
OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART C: RECYCLABLE MATERIALS USED IN A
MANNER CONSTITUTING DISPOSAL

Section

726.120

726.121

726.122

726.123

Applicability

Standards applicable to generators and transporters of materials used in a manner that constitutes disposal

Standards applicable to storers, who are not the ultimate users, of materials that are to be used in a manner that constitutes disposal

Standards ~~applicable~~ Applicable to ~~users~~ Users of ~~materials~~ Materials that are ~~used~~ Used in a ~~manner~~ Manner that ~~constitutes--disposal~~ Constitutes Disposal

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section

726.130

726.131

726.132

726.133

Applicability (Repealed)

Prohibitions (Repealed)

Standards applicable to generators of hazardous waste fuel (Repealed)

Standards applicable to transporters of hazardous waste fuel (Repealed)

726.134

726.135

726.136

Standards applicable to marketers of hazardous waste fuel (Repealed)

Standards applicable to burners of hazardous waste fuel (Repealed)

Conditional exemption for spent materials and by-products exhibiting a characteristic of hazardous waste (Repealed)

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY (Repealed)

Section

726.140

726.141

726.142

726.143

726.144

Applicability (Repealed)

Prohibitions (Repealed)

Standards applicable to generators of used oil burned for energy recovery (Repealed)

Standards applicable to marketers of used oil burned for energy recovery (Repealed)

Standards applicable to burners of used oil burned for energy recovery (Repealed)

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SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR
PRECIOUS METAL RECOVERY

Section

726.170 Applicability and requirements

SUBPART G: SPENT LEAD-ACID BATTERIES
BEING RECLAIMED

Section

726.180 Applicability and requirements

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
AND INDUSTRIAL FURNACES

Section

726.200 Applicability
 726.201 Management prior to Burning
 726.202 Permit standards for Burners
 726.203 Interim status standards for Burners
 726.204 Standards to control Organic Emissions
 726.205 Standards to control PM
 726.206 Standards to control Metals Emissions
 726.207 Standards to control HCl and Chlorine Gas Emissions
 726.208 Small quantity On-site Burner Exemption
 726.209 Low risk waste Exemption
 726.210 Waiver of DRE trial burn for Boilers
 726.211 Standards for direct Transfer
 726.212 Regulation of Residues
 726.219 Extensions of Time

APPENDIX A

Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals

APPENDIX B

Tier I Feed Rate Screening Limits for Total Chlorine

APPENDIX C

Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride

APPENDIX D

Reference Air Concentrations

APPENDIX E

Risk Specific Doses

APPENDIX F

Stack Plume Rise

APPENDIX G

Health-Based Limits for Exclusion of Waste-Derived Residues

APPENDIX H

Potential PICs for Determination of Exclusion of Waste-Derived Residues

APPENDIX I

Methods Manual for Compliance with BIF Regulations

APPENDIX J

Guideline on Air Quality Models

APPENDIX K

Lead-Bearing Materials That May be Processed in Exempt Lead Smelters

APPENDIX L

Nickel or Chromium-Bearing Materials that may be Processed in Exempt Nickel-Chromium Recovery Furnaces

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APPENDIX M Mercury-Bearing Wastes That May Be Processed in Exempt Mercury Recovery Units

TABLE A Exempt Quantities for Small Quantity Burner Exemption

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in R95-6 at 19 Ill. Reg. _____, effective _____.

SUBPART C: RECYCLABLE MATERIALS USED IN A
MANNER CONSTITUTING DISPOSAL

Section 726.120 Applicability

a) The regulations of this Subpart apply to recyclable materials that are applied to or placed on the land:

- 1) Without mixing with any other substance(s); or
- 2) After mixing or combination with any other substance(s). These materials will be referred to throughout this Subpart as "materials used in a manner that constitutes disposal."

b) Products produced for the general public's use that are used in a manner that constitutes disposal and that contain recyclable materials are not presently subject to regulation under this Subpart if the recyclable materials have undergone a chemical reaction in the course of producing the products so as to become inseparable by physical means and if such products meet the applicable treatment standards in 35 Ill. Adm. Code 728.132 or 728.139, where no treatment standards have been established) for each recyclable material (i.e. hazardous waste) that they contain. Commercial fertilizers that are produced for the general public's use that contain recyclable materials also are not presently subject to regulation, provided they meet the same treatment standards or prohibitions levels for each recyclable material they contain. However, zinc-containing fertilizers using hazardous waste K061 that are produced for the general public's use are not presently subject to regulation under this Subpart.

c) Anti-skid and deicing uses in a manner constituting disposal of slags that are generated from high temperature metals recovery (HWMR) processing of hazardous wastes K061, K062, and F006 are not covered by

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the exemption in subsection (b) above, and such uses of these materials remain subject to regulation.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 726.123 Standards applicable to users of materials
Materials that are used in a manner that constitutes
disposal

a) Owners or operators of facilities that use recyclable materials in a manner that constitutes disposal are regulated under all applicable provisions of 35 Ill. Adm. Code 702, 703, and 705; 35 Ill. Adm. Code 724, Subparts A through N; and 35 Ill. Adm. Code 725, Subparts A through N; 35 Ill. Adm. Code 728; and 35 Ill. Adm. Code 727-703 and 727-705 and the notification requirement under Section 3010 of the Resource Conservation and Recovery Act. (These requirements do not apply to products which that contain these recyclable materials under the provisions of Section 726.120(b)).

b) The use of waste or used oil or other material, which that is contaminated with dioxin or any other hazardous waste (other than a waste identified solely on the basis of ignitability) for dust suppression or road treatment is prohibited.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
AND INDUSTRIAL FURNACES

Section 726.200 Applicability

a) The regulations of this Subpart apply to hazardous waste burned or processed in a boiler or industrial furnace (BIF) (as defined in 35 Ill. Adm. Code 720.110) irrespective of the purpose of burning or processing, except as provided by subsections (b), (c), (d), and (f) below. In this Subpart, the term "burn" means burning for energy recovery or destruction or processing for materials recovery or as an ingredient. The emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 apply to facilities operating under interim status or under a RCRA permit, as specified in Sections 726.202 and 726.203.

b) The following hazardous wastes and facilities are not subject to regulation under this Subpart:

- 1) Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721 Subpart C. Such used oil is subject to regulation under 35 Ill. Adm. Code 739, rather

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than this Subpart;

2) Gas recovered from hazardous or solid waste landfills, when such gas is burned for energy recovery;

3) Hazardous wastes that are exempt from regulation under 35 Ill. Adm. Code 721.104 and 721.106(a)(3)(B) through (a)(3)(F)(H) and hazardous wastes that are subject to the special requirements for conditionally exempt small quantity generators under 35 Ill. Adm. Code 721.105; and

4) Coke ovens, if the only hazardous waste burned is U.S. EPA WSRPA Hazardous Waste--No. hazardous waste no. K087; decanter tank tar sludge from coking operations.

c) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters and foundry furnaces, but not including cement kilns, aggregate kilns, or halogen acid furnaces burning hazardous waste) that process hazardous waste solely for metal recovery are conditionally exempt from regulation under this Subpart, except for Sections 726.201 and 726.212.

1) To be exempt from Sections 726.202 through 726.211, an owner or operator of a metal recovery furnace or mercury recovery furnace shall comply with the following requirements, except that an owner or operator of a lead or a nickel-chromium recovery furnace or a metal recovery furnace that burns baghouse bags used to capture metallic dust emitted by steel manufacturing, shall comply with the requirements of subsection (c)(3) below:

A) Provide a one-time written notice to the Agency indicating the following:

- i) The owner or operator claims exemption under this subsection;
- ii) The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection (c)(2) below;
- iii) The hazardous waste contains recoverable levels of metals; and
- iv) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this subsection;

B) Sample and analyze the hazardous waste and other feedstocks as necessary to comply with the requirements of this subsection under procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and

C) Maintain at the facility for at least three years records to document compliance with the provisions of this subsection

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including limits on levels of toxic organic constituents and Btu value of the waste, and levels of recoverable metals in the hazardous waste compared to normal non-hazardous waste feedstocks.

- 2) A hazardous waste meeting either of the following criteria is not processed solely for metal recovery:

A) The hazardous waste has a total concentration of organic compounds listed in 35 Ill. Adm. Code 721.Appendix H, exceeding 500 ppm by weight, as fired, and so is considered to be burned for destruction. The concentration of organic compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 500 ppm limit is prohibited, and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (C)(1)(C)7 above; or

B) The hazardous waste has a heating value of 5,000 Btu/lb or more, as-fired, and is so considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (C)(1)(C)7 above.

- 3) To be exempt from Sections 726.202 through 726.211, and owner or operator of a lead, or nickel-chromium, or mercury recovery furnace or a metal recovery furnace that burns a baghouse bags used to capture metallic dusts emitted by steel manufacturing must provide a one-time written notice to the Agency identifying each hazardous waste burned and specifying whether the owner or operator claims an exemption for each waste under this subsection or subsection (C)(1)7 above. The owner or operator shall comply with the requirements of subsection (C)(1)7 above for those wastes claimed to be exempt under that subsection and ~~shall~~ **comply** with the following requirements ~~below~~ for those wastes claimed to be exempt under this subsection:

A) The hazardous wastes listed in Sections 726.Appendices K, ~~and L, and M~~ and baghouse bags used to capture metallic dusts emitted by steel manufacturing are exempt from the requirements of subsection (C)(1)7 above, provided that:

- i) A waste listed in Appendix K must contain recoverable levels of lead; ~~A~~ **a** waste listed in Appendix L must contain recoverable levels of nickel or chromium, ~~a~~ **a** waste listed in Section 726.Appendix M must contain recoverable levels of mercury and contain less than 500 ppm of 35 Ill. Adm. Code 261.Appendix H organic constituents, and baghouse bags used to capture

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metallic dusts emitted by steel manufacturing must contain recoverable levels of metal; ~~and~~

- ii) The waste does not exhibit the Toxicity Characteristic of 35 Ill. Adm. Code 721.124 for an organic constituent; ~~and~~

- iii) The waste is not a hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D because it is listed for an organic constituent, as identified in 35 Ill. Adm. Code 721.Appendix G; and

- iv) The owner or operator certifies in the one-time notice that hazardous waste is burned under the provisions of subsection (C)(3)7 above, and that sampling and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements. Sampling and analysis must be conducted according to subsection (C)(1)(B)7 above, and records to document compliance with Subsection (C)(3)7 above must be kept for at least three years.

- B) The Agency may decide, on a case-by-case basis, that the toxic organic constituents in a material listed in Appendix K, ~~or--Section 726.Appendix L, or 726.Appendix M~~ that contains a total concentration of more than 500 ppm toxic organic compounds listed in 35 Ill. Adm. Code 721.Appendix H may pose a hazard to human health and the environment when burned in a metal recovery furnace exempt from the requirements of this Subpart. ~~In that situation~~ Under these circumstances, after adequate notice and opportunity for comment, the metal recovery furnace will become subject to the requirements of this Subpart when burning that material. In making the hazard determination, the Agency shall consider the following factors:

- i) The concentration and toxicity of organic constituents in the material; ~~and~~
- ii) The level of destruction of toxic organic constituents provided by the furnace; and
- iii) Whether the acceptable ambient levels established in Appendices D or E will be exceeded for any toxic organic compound that may be emitted based on dispersion modeling to predict the maximum annual average off-site ground level concentration.

- d) The standards for ~~destruction~~ **destruction** operations under Section 726.202 apply only to facilities subject to the permit standards of Section 726.202 or the interim status standards of Section 726.203.

- e) The management standards ~~for hazardous waste~~ **under Section 726.212** apply to any BIF burning hazardous waste.

- f) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, smelters

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machines, roasters, and foundry furnaces) that process hazardous waste for recovery of economically significant amounts of the precious metals gold, silver, platinum, palladium, iridium, osmium, rhodium, or ruthenium, or any combination of these metals, are conditionally exempt from regulation under this Subpart, except for Section 726.212. To be exempt from Sections 726.202 through 726.211, an owner or operator shall:

1) Provide a one-time written notice to the Agency indicating the following:

- A) The owner or operator claims exemption under this Section;
- B) The hazardous waste is burned for legitimate recovery of precious metal; and
- C) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this Section.

2) Sample and analyze the hazardous waste, as necessary, to document that the waste is burned for recovery of economically significant amounts of precious metal, using procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and

3) Maintain, at the facility for at least three years, records to document that all hazardous wastes burned are burned for recovery of economically significant amounts of precious metal.

g) Abbreviations and definitions. The following definitions and abbreviations are used in this Subpart:

"APCS" means air pollution control system.

"BIF" means boiler or industrial furnace.

"Carcinogenic metals" means arsenic, beryllium, cadmium, and chromium.

"CO" means carbon monoxide.

"Continuous monitor" is a monitor which that continuously samples the regulated parameter without interruption, and that evaluates the detector response at least once each 15 seconds, and that computes and records the average value at least every 60 seconds.

"DRE" means destruction or removal efficiency.

"Cu m" or "m(3)" means cubic meters.

"E" means "ten to the power". For example, "XE-Y" means "X times

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ten to the -Y power".

"Feed rates" are measured as specified in Section 726.202(e)(6).

"Good engineering practice stack height" is as defined by 40 CFR 51.100(ii), incorporated by reference in 35 Ill. Adm. Code 720.111.

"HC" means hydrocarbon.

"HCl" means hydrogen chloride gas.

"Hourly rolling average" means the arithmetic mean of the 60 most recent one-minute average values recorded by the continuous monitoring system.

"K" means Kelvin.

"kVA" means kilovolt amperes.

"MEI" means maximum exposed individual.

"MEI location" means the point with the maximum annual average off-site (unless on-site is required) ground level concentration.

"Noncarcinogenic metals" means antimony, barium, lead, mercury, thallium, and silver.

"One hour block average" means the arithmetic mean of the one minute averages recorded during the 60-minute period beginning at one minute after the beginning of preceding clock hour

"PIC" means product of incomplete combustion.

"PM" means particulate matter.

"POHC" means principal organic hazardous constituent.

"ppmv" means parts per million by volume.

"QA/QC" means quality assurance and quality control.

"Rolling average for the selected averaging period" means the arithmetic mean of one hour block averages for the averaging period.

"RAC" means reference air concentration, the acceptable ambient level for the noncarcinogenic metals for purposes of this

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Subpart. RACs are specified in Appendix D.

"RSD" means risk-specific dose, the acceptable ambient level for the carcinogenic metals for purposes of this Subpart. RSDs are specified in Appendix E.

"SSU" means "Saybolt Seconds Universal", a unit of viscosity measured by ASTM D 88-87 or D 2161-87, incorporated by reference in 35 Ill. Adm. Code 720.111.

"TCLP test" means the toxicity characteristic leaching procedure of 35 Ill. Adm. Code 721.124.

"TESH" means terrain-adjusted effective stack height (in meters).

"Tier I". See Section 726.206(b).

"Tier II". See Section 726.206(c).

"Tier III". See Section 726.206(d).

"Toxicity equivalence" is estimated, pursuant to Section 726.204(e), using "Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners" in Appendix I (eye).

"ug" means microgram.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 726.APPENDIX A Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals

I-A

Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Noncomplex Terrain
[Values for urban areas]

| TESH (m) | Antimony (g/hr) | Barium (g/hr) | Lead (g/hr) | Mercury (g/hr) | Stiver (g/hr) | Thallium (g/hr) |
|----------|-----------------|---------------|-------------|----------------|---------------|-----------------|
| 4 | 6-0B+01 | 1-0B+04 | 1-0B+01 | 6-0B+01 | 6-0B+02 | 6-0B+01 |
| 6 | 6-0B+01 | 1-1B+04 | 2-0B+01 | 6-0B+01 | 6-0B+02 | 6-0B+01 |
| 8 | 7-6B+01 | 1-3B+04 | 2-3B+01 | 7-6B+01 | 7-6B+02 | 7-6B+01 |
| 10 | 8-6B+01 | 1-4B+04 | 2-6B+01 | 8-6B+01 | 8-6B+02 | 8-6B+01 |
| 12 | 9-6B+01 | 1-7B+04 | 3-0B+01 | 9-6B+01 | 9-6B+02 | 9-6B+01 |
| 14 | 1-1B+02 | 1-0B+04 | 3-4B+01 | 1-1B+02 | 1-1B+03 | 1-1B+02 |
| 16 | 1-3B+02 | 2-1B+04 | 3-6B+01 | 1-3B+02 | 1-3B+03 | 1-3B+02 |
| 18 | 1-4B+02 | 2-4B+04 | 4-3B+01 | 1-4B+02 | 1-4B+03 | 1-4B+02 |
| 20 | 1-6B+02 | 2-7B+04 | 4-6B+01 | 1-6B+02 | 1-6B+03 | 1-6B+02 |
| 22 | 1-8B+02 | 3-0B+04 | 5-4B+01 | 1-8B+02 | 1-8B+03 | 1-8B+02 |
| 24 | 2-0B+02 | 3-4B+04 | 6-0B+01 | 2-0B+02 | 2-0B+03 | 2-0B+02 |
| 26 | 2-3B+02 | 3-9B+04 | 6-0B+01 | 2-3B+02 | 2-3B+03 | 2-3B+02 |
| 28 | 2-6B+02 | 4-3B+04 | 7-0B+01 | 2-6B+02 | 2-6B+03 | 2-6B+02 |
| 30 | 3-0B+02 | 5-0B+04 | 9-0B+01 | 3-0B+02 | 3-0B+03 | 3-0B+02 |
| 35 | 4-0B+02 | 6-6B+04 | 1-1B+02 | 4-0B+02 | 4-0B+03 | 4-0B+02 |
| 40 | 4-6B+02 | 7-0B+04 | 1-4B+02 | 4-6B+02 | 4-6B+03 | 4-6B+02 |
| 45 | 5-0B+02 | 1-0B+05 | 1-0B+02 | 6-0B+02 | 6-0B+03 | 6-0B+02 |
| 50 | 7-0B+02 | 1-3B+05 | 2-3B+02 | 7-0B+02 | 7-0B+03 | 7-0B+02 |
| 55 | 9-6B+02 | 1-7B+05 | 3-0B+02 | 9-6B+02 | 9-6B+03 | 9-6B+02 |
| 60 | 1-2B+03 | 2-0B+05 | 3-6B+02 | 1-2B+03 | 1-2B+04 | 1-2B+03 |
| 65 | 1-5B+03 | 2-5B+05 | 4-3B+02 | 1-5B+03 | 1-5B+04 | 1-5B+03 |
| 70 | 1-7B+03 | 2-8B+05 | 5-0B+02 | 1-7B+03 | 1-7B+04 | 1-7B+03 |
| 75 | 1-9B+03 | 3-2B+05 | 5-4B+02 | 1-9B+03 | 1-9B+04 | 1-9B+03 |
| 80 | 2-2B+03 | 3-6B+05 | 6-0B+02 | 2-2B+03 | 2-2B+04 | 2-2B+03 |
| 85 | 2-5B+03 | 4-0B+05 | 7-0B+02 | 2-5B+03 | 2-5B+04 | 2-5B+03 |
| 90 | 3-0B+03 | 4-6B+05 | 8-0B+02 | 3-0B+03 | 3-0B+04 | 3-0B+03 |
| 95 | 3-2B+03 | 5-4B+05 | 9-0B+02 | 3-2B+03 | 3-2B+04 | 3-2B+03 |
| 100 | 3-6B+03 | 6-0B+05 | 1-0B+03 | 3-6B+03 | 3-6B+04 | 3-6B+03 |
| 105 | 4-0B+03 | 6-6B+05 | 1-2B+03 | 4-0B+03 | 4-0B+04 | 4-0B+03 |
| 110 | 4-6B+03 | 7-0B+05 | 1-4B+03 | 4-6B+03 | 4-6B+04 | 4-6B+03 |
| 115 | 5-4B+03 | 8-6B+05 | 1-7B+03 | 5-4B+03 | 5-4B+04 | 5-4B+03 |
| 120 | 6-0B+03 | 1-0B+05 | 1-4B+03 | 6-0B+03 | 6-0B+04 | 6-0B+03 |
| TESH (m) | Antimony (g/hr) | Barium (g/hr) | Lead (g/hr) | Mercury (g/hr) | Stiver (g/hr) | Thallium (g/hr) |
| 4 | 60. | 10000. | 18. | 60. | 600. | 60. |

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| TESH (mg) | Antimony (g/hr) | Barium (g/hr) | Lead (g/hr) | Mercury (g/hr) | Silver (g/hr) | Thallium (g/hr) |
|-----------|-----------------|---------------|-------------|----------------|---------------|-----------------|
| 6 | 68. | 11000. | 20. | 68. | 680. | 68. |
| 8 | 76. | 13000. | 23. | 76. | 760. | 76. |
| 10 | 86. | 14000. | 26. | 86. | 860. | 86. |
| 12 | 96. | 17000. | 30. | 96. | 960. | 96. |
| 14 | 110. | 18000. | 34. | 110. | 1100. | 110. |
| 16 | 130. | 21000. | 36. | 130. | 1300. | 130. |
| 18 | 140. | 24000. | 43. | 140. | 1400. | 140. |
| 20 | 160. | 27000. | 46. | 160. | 1600. | 160. |
| 22 | 180. | 30000. | 54. | 180. | 1800. | 180. |
| 24 | 200. | 34000. | 60. | 200. | 2000. | 200. |
| 26 | 230. | 39000. | 68. | 230. | 2300. | 230. |
| 28 | 260. | 43000. | 78. | 260. | 2600. | 260. |
| 30 | 300. | 50000. | 90. | 300. | 3000. | 300. |
| 35 | 400. | 66000. | 110. | 400. | 4000. | 400. |
| 40 | 460. | 78000. | 140. | 460. | 4600. | 460. |
| 45 | 600. | 100000. | 180. | 600. | 6000. | 600. |
| 50 | 780. | 130000. | 230. | 780. | 7800. | 780. |
| 55 | 960. | 170000. | 300. | 960. | 9600. | 960. |
| 60 | 1200. | 200000. | 360. | 1200. | 12000. | 1200. |
| 65 | 1500. | 250000. | 430. | 1500. | 15000. | 1500. |
| 70 | 1700. | 280000. | 500. | 1700. | 17000. | 1700. |
| 75 | 1900. | 320000. | 580. | 1900. | 19000. | 1900. |
| 80 | 2200. | 360000. | 640. | 2200. | 22000. | 2200. |
| 85 | 2500. | 400000. | 760. | 2500. | 25000. | 2500. |
| 90 | 2800. | 460000. | 820. | 2800. | 28000. | 2800. |
| 95 | 3200. | 540000. | 960. | 3200. | 32000. | 3200. |
| 100 | 3600. | 600000. | 1100. | 3600. | 36000. | 3600. |
| 105 | 4000. | 680000. | 1200. | 4000. | 40000. | 4000. |
| 110 | 4600. | 780000. | 1400. | 4600. | 46000. | 4600. |
| 115 | 5400. | 860000. | 1600. | 5400. | 54000. | 5400. |
| 120 | 6000. | 1000000. | 1800. | 6000. | 60000. | 6000. |

I-B
Tier I and Tier II Feed Rate and Emissions Screening Limits for
Noncarcinogenic Metals for Facilities in Noncomplex Terrain
[Values for rural areas]

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NOTICE OF PROPOSED AMENDMENTS

| TESH (mg) | Antimony (g/hr) | Barium (g/hr) | Lead (g/hr) | Mercury (g/hr) | Silver (g/hr) | Thallium (g/hr) |
|-----------|-----------------|---------------|-------------|----------------|---------------|-----------------|
| 20 | 11-3B+02 | 2-2B+04 | 4-0B+01 | 11-3B+02 | 11-3B+03 | 11-3B+02 |
| 22 | 11-3B+02 | 2-0B+04 | 5-0B+01 | 11-3B+02 | 11-3B+03 | 11-3B+02 |
| 24 | 2-2B+02 | 3-6B+04 | 6-1B+01 | 2-2B+02 | 2-2B+03 | 2-2B+02 |
| 26 | 2-0B+02 | 4-6B+04 | 8-2B+01 | 2-0B+02 | 2-0B+03 | 2-0B+02 |
| 28 | 3-5B+02 | 5-0B+04 | 11-0B+02 | 3-5B+02 | 3-5B+03 | 3-5B+02 |
| 30 | 4-3B+02 | 7-6B+04 | 11-3B+02 | 4-3B+02 | 4-3B+03 | 4-3B+02 |
| 35 | 7-2B+02 | 11-2B+05 | 21-2B+02 | 7-2B+02 | 7-2B+03 | 7-2B+02 |
| 40 | 11-1B+03 | 11-0B+05 | 31-2B+02 | 11-1B+03 | 11-1B+04 | 11-1B+03 |
| 45 | 11-5B+03 | 2-5B+05 | 41-6B+02 | 11-5B+03 | 11-5B+04 | 11-5B+03 |
| 50 | 2-0B+03 | 3-3B+05 | 6-0B+02 | 2-0B+03 | 2-0B+04 | 2-0B+03 |
| 55 | 2-6B+03 | 4-4B+05 | 7-0B+02 | 2-6B+03 | 2-6B+04 | 2-6B+03 |
| 60 | 3-4B+03 | 5-0B+05 | 11-0B+03 | 3-4B+03 | 3-4B+04 | 3-4B+03 |
| 65 | 4-6B+03 | 7-6B+05 | 11-4B+03 | 4-6B+03 | 4-6B+04 | 4-6B+03 |
| 70 | 5-4B+03 | 9-0B+05 | 11-6B+03 | 5-4B+03 | 5-4B+04 | 5-4B+03 |
| 75 | 6-4B+03 | 11-1B+06 | 11-9B+03 | 6-4B+03 | 6-4B+04 | 6-4B+03 |
| 80 | 7-6B+03 | 11-3B+06 | 21-3B+03 | 7-6B+03 | 7-6B+04 | 7-6B+03 |
| 85 | 9-4B+03 | 11-5B+06 | 21-0B+03 | 9-4B+03 | 9-4B+04 | 9-4B+03 |
| 90 | 11-1B+04 | 11-0B+06 | 31-3B+03 | 11-1B+04 | 11-1B+05 | 11-1B+04 |
| 95 | 11-3B+04 | 2-2B+06 | 31-9B+03 | 11-3B+04 | 11-3B+05 | 11-3B+04 |
| 100 | 11-5B+04 | 2-6B+06 | 41-6B+03 | 11-5B+04 | 11-5B+05 | 11-5B+04 |
| 105 | 11-0B+04 | 3-0B+06 | 51-4B+03 | 11-0B+04 | 11-0B+05 | 11-0B+04 |
| 110 | 2-2B+04 | 3-6B+06 | 61-6B+03 | 2-2B+04 | 2-2B+05 | 2-2B+04 |
| 115 | 2-6B+04 | 4-4B+06 | 7-0B+03 | 2-6B+04 | 2-6B+05 | 2-6B+04 |
| 120 | 31-2B+04 | 5-0B+06 | 91-2B+03 | 31-2B+04 | 31-2B+05 | 31-2B+04 |

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| PSH (m) | Antimony (g/hr) | Barium (g/hr) | Lead (g/hr) | Mercury (g/hr) | Silver (g/hr) | Thallium (g/hr) |
|------------|--------------------|------------------|----------------|-------------------|------------------|--------------------|
| 65 | 4600. | 760000. | 1400. | 4600. | 46000. | 4600. |
| 70 | 5400. | 900000. | 1600. | 5400. | 54000. | 5400. |
| 75 | 6400. | 1100000. | 1900. | 6400. | 64000. | 6400. |
| 80 | 7600. | 1300000. | 2300. | 7600. | 76000. | 7600. |
| 85 | 9400. | 1500000. | 2800. | 9400. | 94000. | 9400. |
| 90 | 11000. | 1800000. | 3300. | 11000. | 110000. | 11000. |
| 95 | 13000. | 2200000. | 3900. | 13000. | 130000. | 13000. |
| 100 | 15000. | 2600000. | 4600. | 15000. | 150000. | 15000. |
| 105 | 18000. | 3000000. | 5400. | 18000. | 180000. | 18000. |
| 110 | 22000. | 3600000. | 6600. | 22000. | 220000. | 22000. |
| 115 | 26000. | 4400000. | 7800. | 26000. | 260000. | 26000. |
| 120 | 31000. | 5000000. | 9200. | 31000. | 310000. | 31000. |

I-C
Tier I and Tier II Feed Rate and Emissions Screening Limits for
Noncarcinogenic Metals for Facilities in Complex Terrain

Values for urban and rural areas

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NOTICE OF PROPOSED AMENDMENTS

| PSH (m) | Antimony (g/hr) | Barium (g/hr) | Lead (g/hr) | Mercury (g/hr) | Silver (g/hr) | Thallium (g/hr) |
|------------|--------------------|------------------|----------------|-------------------|------------------|--------------------|
| 95 | 14. | 2400. | 4.3 | 14. | 140. | 14. |
| 100 | 21. | 3500. | 6.2 | 21. | 210. | 21. |
| 105 | 30. | 5000. | 9.2 | 30. | 300. | 30. |
| 110 | 43. | 7600. | 13. | 43. | 430. | 43. |
| 115 | 54. | 9000. | 17. | 54. | 540. | 54. |
| 120 | 68. | 11000. | 20. | 68. | 680. | 68. |
| | 78. | 13000. | 24. | 78. | 780. | 78. |
| | 86. | 14000. | 26. | 86. | 860. | 86. |
| | 96. | 16000. | 29. | 96. | 960. | 96. |
| | 100. | 18000. | 32. | 100. | 1000. | 100. |
| | 120. | 19000. | 35. | 120. | 1200. | 120. |
| | 130. | 22000. | 36. | 130. | 1300. | 130. |
| | 140. | 24000. | 43. | 140. | 1400. | 140. |
| | 160. | 27000. | 46. | 160. | 1600. | 160. |
| | 200. | 33000. | 58. | 200. | 2000. | 200. |
| | 240. | 40000. | 72. | 240. | 2400. | 240. |
| | 300. | 50000. | 90. | 300. | 3000. | 300. |
| | 360. | 60000. | 110. | 360. | 3600. | 360. |
| | 460. | 76000. | 140. | 460. | 4600. | 460. |
| | 580. | 94000. | 170. | 580. | 5800. | 580. |
| | 680. | 110000. | 210. | 680. | 6800. | 680. |
| | 780. | 130000. | 240. | 780. | 7800. | 780. |
| | 860. | 140000. | 260. | 860. | 8600. | 860. |
| | 960. | 160000. | 290. | 960. | 9600. | 960. |
| | 1100. | 180000. | 330. | 1100. | 11000. | 1100. |
| | 1200. | 200000. | 360. | 1200. | 12000. | 1200. |
| | 1400. | 230000. | 400. | 1400. | 14000. | 1400. |
| | 1500. | 260000. | 460. | 1500. | 15000. | 1500. |
| | 1700. | 280000. | 500. | 1700. | 17000. | 1700. |
| | 1900. | 320000. | 580. | 1900. | 19000. | 1900. |
| | 2100. | 360000. | 640. | 2100. | 21000. | 2100. |
| | 2400. | 400000. | 720. | 2400. | 24000. | 2400. |

I-D

Tier I and Tier II Feed Rate and Emissions Screening Limits for
Carcinogenic Metals for Facilities in Noncomplex Terrain

Values for use in urban areas

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| TESH (m) | Arsenic (g/hr) | Cadmium (g/hr) | Chromium (g/hr) | Beryllium (g/hr) |
|-------------|-----------------------|---------------------|-----------------------|-----------------------|
| 4 | <u>4.6E-0.46</u> ± | <u>1.1E+00</u> | <u>1.7E-0.17</u> ± | <u>8.2E-0.82</u> ± |
| 6 | <u>5.4E-0.54</u> ± | <u>1.3E+00</u> | <u>1.9E-0.19</u> ± | <u>9.7E-0.94</u> ± |
| 8 | <u>6.9E-0.60</u> ± | <u>1.4E+00</u> | <u>2.2E-0.22</u> ± | <u>1.1E+00</u> |
| 10 | <u>6.0E-0.60</u> ± | <u>1.6E+00</u> | <u>2.4E-0.24</u> ± | <u>1.2E+00</u> |
| 12 | <u>7.6E-0.76</u> ± | <u>1.8E+00</u> | <u>2.7E-0.27</u> ± | <u>1.4E+00</u> |
| 14 | <u>8.6E-0.86</u> ± | <u>2.1E+00</u> | <u>3.1E-0.31</u> ± | <u>1.5E+00</u> |
| 16 | <u>9.6E-0.96</u> ± | <u>2.3E+00</u> | <u>3.5E-0.35</u> ± | <u>1.7E+00</u> |
| 18 | <u>1.1E+00</u> | <u>2.6E+00</u> | <u>4.0E-0.40</u> ± | <u>2.0E+00</u> |
| 20 | <u>1.2E+00</u> | <u>3.0E+00</u> | <u>4.4E-0.44</u> ± | <u>2.2E+00</u> |
| 22 | <u>1.4E+00</u> | <u>3.4E+00</u> | <u>5.0E-0.50</u> ± | <u>2.5E+00</u> |
| 24 | <u>1.6E+00</u> | <u>3.9E+00</u> | <u>5.8E-0.58</u> ± | <u>2.8E+00</u> |
| 26 | <u>1.8E+00</u> | <u>4.3E+00</u> | <u>6.4E-0.64</u> ± | <u>3.2E+00</u> |
| 28 | <u>2.0E+00</u> | <u>4.8E+00</u> | <u>7.2E-0.72</u> ± | <u>3.6E+00</u> |
| 30 | <u>2.3E+00</u> | <u>5.4E+00</u> | <u>8.2E-0.82</u> ± | <u>4.0E+00</u> |
| 35 | <u>3.0E+00</u> | <u>6.8E+00</u> | <u>1.0E+00</u> | <u>5.4E+00</u> |
| 40 | <u>3.6E+00</u> | <u>9.0E+00</u> | <u>1.3E+00</u> | <u>6.8E+00</u> |
| 45 | <u>4.6E+00</u> | <u>1.1E+01</u> ± | <u>1.7E+00</u> | <u>8.6E+00</u> |
| 50 | <u>6.0E+00</u> | <u>1.4E+01</u> ± | <u>2.2E+00</u> | <u>1.1E+01</u> ± |
| 55 | <u>7.6E+00</u> | <u>1.8E+01</u> ± | <u>2.7E+00</u> | <u>1.4E+01</u> ± |
| 60 | <u>9.4E+00</u> | <u>2.2E+02</u> ± | <u>3.4E+00</u> | <u>1.7E+01</u> ± |
| 65 | <u>1.1E+01</u> ± | <u>2.8E+02</u> ± | <u>4.2E+00</u> | <u>2.1E+02</u> ± |
| 70 | <u>1.3E+01</u> ± | <u>3.1E+03</u> ± | <u>4.6E+00</u> | <u>2.4E+02</u> ± |
| 75 | <u>1.5E+01</u> ± | <u>3.6E+03</u> ± | <u>5.4E+00</u> | <u>2.7E+02</u> ± |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | | |
|-----|----------------------|----------------------|----------------------|----------------------|
| 80 | <u>1.7E+017</u> ± | <u>4.0E+040</u> ± | <u>6.0E+00</u> ± | <u>3.0E+030</u> ± |
| 85 | <u>1.9E+019</u> ± | <u>4.6E+046</u> ± | <u>6.8E+00</u> ± | <u>3.4E+034</u> ± |
| 90 | <u>2.2E+022</u> ± | <u>5.0E+050</u> ± | <u>7.8E+00</u> ± | <u>3.9E+039</u> ± |
| 95 | <u>2.5E+025</u> ± | <u>5.8E+059</u> ± | <u>9.0E+00</u> ± | <u>4.4E+044</u> ± |
| 100 | <u>2.8E+028</u> ± | <u>6.8E+068</u> ± | <u>1.0E+010</u> ± | <u>5.0E+050</u> ± |
| 105 | <u>3.2E+032</u> ± | <u>7.6E+076</u> ± | <u>1.1E+011</u> ± | <u>5.6E+056</u> ± |
| 110 | <u>3.6E+036</u> ± | <u>8.6E+086</u> ± | <u>1.3E+013</u> ± | <u>6.4E+064</u> ± |
| 115 | <u>4.0E+040</u> ± | <u>9.6E+096</u> ± | <u>1.5E+015</u> ± | <u>7.2E+072</u> ± |
| 120 | <u>4.6E+046</u> ± | <u>1.1E+110</u> ± | <u>1.7E+017</u> ± | <u>8.2E+082</u> ± |

I-D (con't.)

Values for use in rural areas

| TESH (m) | Arsenic (g/hr) | Cadmium (g/hr) | Chromium (g/hr) | Beryllium (g/hr) |
|-------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 4 | <u>2.4E-0.24</u> ± | <u>5.8E-0.58</u> ± | <u>8.6E0.086</u> ± | <u>4.3E-0.43</u> ± |
| 6 | <u>2.7E-0.28</u> ± | <u>6.6E-0.66</u> ± | <u>1.0E-0.10</u> ± | <u>5.0E-0.50</u> ± |
| 8 | <u>3.2E-0.32</u> ± | <u>7.6E-0.76</u> ± | <u>1.1E-0.11</u> ± | <u>5.6E-0.56</u> ± |
| 10 | <u>3.6E-0.36</u> ± | <u>8.6E-0.86</u> ± | <u>1.3E-0.13</u> ± | <u>6.4E-0.64</u> ± |
| 12 | <u>4.3E-0.43</u> ± | <u>1.1E+00</u> ± | <u>1.6E-0.16</u> ± | <u>7.2E-0.72</u> ± |
| 14 | <u>5.4E-0.54</u> ± | <u>1.3E+00</u> ± | <u>2.0E-0.20</u> ± | <u>9.0E-0.96</u> ± |
| 16 | <u>6.8E-0.68</u> ± | <u>1.6E+00</u> ± | <u>2.4E-0.24</u> ± | <u>1.2E+00</u> ± |
| 18 | <u>8.2E-0.82</u> ± | <u>2.0E+00</u> ± | <u>3.0E-0.30</u> ± | <u>1.5E+00</u> ± |
| 20 | <u>1.0E+00</u> ± | <u>2.5E+00</u> ± | <u>3.7E-0.37</u> ± | <u>1.9E+00</u> ± |
| 22 | <u>1.3E+00</u> ± | <u>3.2E+00</u> ± | <u>4.8E-0.48</u> ± | <u>2.4E+00</u> ± |
| 24 | <u>1.7E+00</u> ± | <u>4.0E+00</u> ± | <u>6.0E-0.60</u> ± | <u>3.0E+00</u> ± |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| | | | | |
|-----|------|-----|------|-----|
| 22 | 0.82 | 1.9 | 0.30 | 1.5 |
| 24 | 0.30 | 2.1 | 0.33 | 1.6 |
| 26 | 1.0 | 2.4 | 0.36 | 1.8 |
| 28 | 1.1 | 2.7 | 0.40 | 2.0 |
| 30 | 1.2 | 3.0 | 0.44 | 2.2 |
| 35 | 1.5 | 3.7 | 0.54 | 2.7 |
| 40 | 1.9 | 4.6 | 0.68 | 3.4 |
| 45 | 2.4 | 5.4 | 0.84 | 4.2 |
| 50 | 2.9 | 6.8 | 1.0 | 5.0 |
| 55 | 3.5 | 8.4 | 1.3 | 6.4 |
| 60 | 4.3 | 10. | 1.5 | 7.8 |
| 65 | 5.4 | 13. | 1.9 | 9.6 |
| 70 | 6.0 | 14. | 2.2 | 11. |
| 75 | 6.8 | 16. | 2.4 | 12. |
| 80 | 7.6 | 18. | 2.7 | 13. |
| 85 | 8.2 | 20. | 3.0 | 15. |
| 90 | 9.4 | 23. | 3.4 | 17. |
| 95 | 10. | 25. | 4.0 | 19. |
| 100 | 12. | 28. | 4.3 | 21. |
| 105 | 13. | 32. | 4.8 | 24. |
| 110 | 15. | 35. | 5.4 | 27. |
| 115 | 17. | 40. | 6.0 | 30. |
| 120 | 19. | 44. | 6.4 | 33. |

(Source: Amended at 19 Ill. Reg.

effective

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 726.APPENDIX B Tier I Feed Rate Screening Limits for total Chlorine

Tier I Feed Rate Screening Limits for Total Chlorine

| TESH (m) | Noncomplex Terrain Urban (g/hr) | Noncomplex Terrain Rural (g/hr) | Complex Terrain (g/hr) |
|-------------|------------------------------------|------------------------------------|---------------------------|
| 4 | 8-2B+01 82. | 4-2B+01 42. | 1-9B+01 19. |
| 6 | 9-1B+01 91. | 4-0B+01 48. | 2-0B+01 28. |
| 8 | 1-0B+02 100. | 5-3B+01 53. | 4-1B+01 41. |
| 10 | 1-2B+02 120. | 6-2B+01 62. | 5-0B+01 58. |
| 12 | 1-3B+02 130. | 7-7B+01 77. | 7-2B+01 72. |
| 14 | 1-5B+02 150. | 9-1B+01 91. | 9-1B+01 91. |
| 16 | 1-7B+02 170. | 1-2B+02 120. | 1-1B+02 110. |
| 18 | 1-9B+02 190. | 1-4B+02 140. | 1-2B+02 120. |
| 20 | 2-1B+02 210. | 1-0B+02 180. | 1-3B+02 130. |
| 22 | 2-4B+02 240. | 2-3B+02 230. | 1-4B+02 140. |
| 24 | 2-7B+02 270. | 2-9B+02 290. | 1-6B+02 160. |
| 26 | 3-1B+02 310. | 3-7B+02 370. | 1-7B+02 170. |
| 28 | 3-5B+02 350. | 4-7B+02 470. | 1-9B+02 190. |
| 30 | 3-9B+02 390. | 5-0B+02 580. | 2-1B+02 210. |
| 35 | 5-3B+02 530. | 9-6B+02 960. | 2-6B+02 260. |
| 40 | 6-2B+02 620. | 1-4B+03 1400. | 3-3B+02 330. |
| 45 | 8-2B+02 820. | 2-0B+03 2000. | 4-0B+02 400. |
| 50 | 1-1B+03 1100. | 2-6B+03 2600. | 4-0B+02 480. |
| 55 | 1-3B+03 1300. | 3-5B+03 3500. | 6-2B+02 620. |
| 60 | 1-6B+03 1600. | 4-6B+03 1600. | 7-7B+02 770. |
| 65 | 2-0B+03 2000. | 6-2B+03 6200. | 9-1B+02 910. |
| 70 | 2-3B+03 2300. | 7-2B+03 7200. | 1-1B+03 1100. |
| 75 | 2-5B+03 2500. | 8-6B+03 8600. | 1-2B+03 1200. |
| 80 | 2-9B+03 2900. | 1-0B+04 10000. | 1-3B+03 1300. |
| 85 | 3-3B+03 3300. | 1-2B+04 12000. | 1-4B+03 1400. |
| 90 | 3-7B+03 3700. | 1-4B+04 14000. | 1-6B+03 1600. |
| 95 | 4-2B+03 4200. | 1-7B+04 17000. | 1-0B+03 1800. |
| 100 | 4-0B+03 4800. | 2-1B+04 21000. | 2-0B+03 2000. |
| 105 | 5-3B+03 5300. | 2-4B+04 24000. | 2-3B+03 2300. |
| 110 | 6-2B+03 6200. | 2-9B+04 29000. | 2-5B+03 2500. |
| 115 | 7-2B+03 7200. | 3-5B+04 35000. | 2-0B+03 2800. |
| 120 | 8-2B+03 8200. | 4-1B+04 41000. | 3-2B+03 3200. |

(Source: Amended at 19 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 726. APPENDIX C Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride

| TRESH (t/y) | Noncomplex Terrain | | Noncomplex Terrain | | Complex Terrain | |
|----------------|--------------------|---------|--------------------|---------|-----------------|---------|
| | Gas | HCl | Gas | HCl | gas | HCl |
| 4 | 0-2E+01 | 1-4E+03 | 4-2E+01 | 7-9E+02 | 1-9E+01 | 3-9E+02 |
| 6 | 9-1E+01 | 1-6E+03 | 4-8E+01 | 8-9E+02 | 2-0E+01 | 4-9E+02 |
| 8 | 1-0E+02 | 1-8E+03 | 5-3E+01 | 9-2E+02 | 4-1E+01 | 7-1E+02 |
| 10 | 1-2E+02 | 2-0E+03 | 6-2E+01 | 1-0E+03 | 5-0E+01 | 1-0E+03 |
| 12 | 1-3E+02 | 2-3E+03 | 7-7E+01 | 1-3E+03 | 7-2E+01 | 1-3E+03 |
| 14 | 1-5E+02 | 2-6E+03 | 9-1E+01 | 1-6E+03 | 9-1E+01 | 1-6E+03 |
| 16 | 1-7E+02 | 2-9E+03 | 1-2E+02 | 2-0E+03 | 1-2E+02 | 2-0E+03 |
| 18 | 1-9E+02 | 3-3E+03 | 1-4E+02 | 2-5E+03 | 1-4E+02 | 2-5E+03 |
| 20 | 2-1E+02 | 3-7E+03 | 1-8E+02 | 3-1E+03 | 1-8E+02 | 3-1E+03 |
| 22 | 2-4E+02 | 4-2E+03 | 2-3E+02 | 3-9E+03 | 2-4E+02 | 3-9E+03 |
| 24 | 2-7E+02 | 4-8E+03 | 2-9E+02 | 5-0E+03 | 2-9E+02 | 5-0E+03 |
| 26 | 3-1E+02 | 5-4E+03 | 3-7E+02 | 6-5E+03 | 3-7E+02 | 6-5E+03 |
| 28 | 3-5E+02 | 6-0E+03 | 4-7E+02 | 8-1E+03 | 4-7E+02 | 8-1E+03 |
| 30 | 3-9E+02 | 6-9E+03 | 5-0E+02 | 1-0E+04 | 5-0E+02 | 1-0E+04 |
| 35 | 5-3E+02 | 9-2E+03 | 1-6E+03 | 1-7E+04 | 2-6E+02 | 4-6E+03 |
| 40 | 6-2E+02 | 1-1E+04 | 1-7E+03 | 2-7E+04 | 3-3E+02 | 5-7E+03 |
| 45 | 8-2E+02 | 1-4E+04 | 2-0E+03 | 3-5E+04 | 4-0E+02 | 7-0E+03 |
| 50 | 1-1E+03 | 2-3E+04 | 3-5E+03 | 6-7E+04 | 6-2E+02 | 1-1E+04 |
| 60 | 1-6E+03 | 2-9E+04 | 4-6E+03 | 8-1E+04 | 7-7E+02 | 1-3E+04 |
| 65 | 2-0E+03 | 3-4E+04 | 6-2E+03 | 1-0E+05 | 9-1E+02 | 1-6E+04 |
| 70 | 2-3E+03 | 3-9E+04 | 7-2E+03 | 1-3E+05 | 1-1E+03 | 1-8E+04 |
| 75 | 2-5E+03 | 4-5E+04 | 8-6E+03 | 1-5E+05 | 1-2E+03 | 2-0E+04 |
| 80 | 2-9E+03 | 5-0E+04 | 1-0E+04 | 1-8E+05 | 1-3E+03 | 2-3E+04 |
| 85 | 3-3E+03 | 5-8E+04 | 1-2E+04 | 2-2E+05 | 1-4E+03 | 2-5E+04 |
| 90 | 3-7E+03 | 6-6E+04 | 1-4E+04 | 2-7E+05 | 1-5E+03 | 2-9E+04 |
| 95 | 4-2E+03 | 7-4E+04 | 1-7E+04 | 3-0E+05 | 1-8E+03 | 3-2E+04 |
| 100 | 4-8E+03 | 8-1E+04 | 2-1E+04 | 3-6E+05 | 2-4E+03 | 3-5E+04 |
| 105 | 5-3E+03 | 9-2E+04 | 2-4E+04 | 4-3E+05 | 2-9E+03 | 4-1E+04 |
| 110 | 6-2E+03 | 1-1E+05 | 2-9E+04 | 5-0E+05 | 3-5E+03 | 4-5E+04 |
| 115 | 7-2E+03 | 1-3E+05 | 3-5E+04 | 6-1E+05 | 4-0E+03 | 5-0E+04 |
| 120 | 8-2E+03 | 1-4E+05 | 4-1E+04 | 7-2E+05 | 5-2E+03 | 5-6E+04 |

| TRESH | Noncomplex Terrain | | Noncomplex Terrain | | Complex Terrain | |
|-------|--------------------|-------------|--------------------|-------------|-----------------------|----------|
| | Urban areas | Rural areas | Urban areas | Rural areas | Urban and rural areas | Chlorine |
| | Gas | HCl | Gas | HCl | gas | HCl |

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

| (m) | (g/hr) | (g/hr) | (g/hr) | (g/hr) | (g/hr) | (g/hr) |
|-----|--------|---------|--------|---------|--------|--------|
| 4 | 82. | 1400. | 42. | 730. | 19. | 330. |
| 6 | 91. | 1600. | 48. | 830. | 28. | 490. |
| 8 | 100. | 1800. | 53. | 920. | 41. | 710. |
| 10 | 120. | 2000. | 62. | 1100. | 58. | 1000. |
| 12 | 130. | 2300. | 77. | 1300. | 72. | 1300. |
| 14 | 150. | 2600. | 91. | 1600. | 91. | 1600. |
| 16 | 170. | 2900. | 120. | 2000. | 110. | 1800. |
| 18 | 190. | 3300. | 140. | 2500. | 120. | 2000. |
| 20 | 210. | 3700. | 180. | 3100. | 130. | 2300. |
| 22 | 240. | 4200. | 230. | 3900. | 140. | 2400. |
| 24 | 270. | 4800. | 290. | 5000. | 160. | 2800. |
| 26 | 310. | 5400. | 370. | 6500. | 170. | 3000. |
| 28 | 350. | 6000. | 470. | 8100. | 190. | 3400. |
| 30 | 390. | 6900. | 580. | 10000. | 210. | 3700. |
| 35 | 530. | 9200. | 960. | 17000. | 260. | 4600. |
| 40 | 620. | 11000. | 1400. | 25000. | 330. | 5700. |
| 45 | 820. | 14000. | 2000. | 35000. | 400. | 7000. |
| 50 | 1100. | 18000. | 2600. | 46000. | 480. | 8400. |
| 55 | 1300. | 23000. | 3500. | 61000. | 620. | 11000. |
| 60 | 1600. | 29000. | 4600. | 81000. | 770. | 13000. |
| 65 | 2000. | 34000. | 6200. | 110000. | 910. | 16000. |
| 70 | 2300. | 39000. | 7200. | 130000. | 1100. | 18000. |
| 75 | 2500. | 45000. | 8600. | 150000. | 1200. | 20000. |
| 80 | 2900. | 50000. | 10000. | 180000. | 1300. | 23000. |
| 85 | 3300. | 58000. | 12000. | 220000. | 1400. | 25000. |
| 90 | 3700. | 66000. | 14000. | 250000. | 1600. | 29000. |
| 95 | 4200. | 74000. | 17000. | 300000. | 1800. | 32000. |
| 100 | 4800. | 84000. | 21000. | 360000. | 2000. | 35000. |
| 105 | 5300. | 92000. | 24000. | 430000. | 2300. | 39000. |
| 110 | 6200. | 110000. | 29000. | 510000. | 2500. | 45000. |
| 115 | 7200. | 130000. | 35000. | 610000. | 2800. | 50000. |
| 120 | 8200. | 140000. | 41000. | 720000. | 3200. | 56000. |

(Source: Amended at 19 Ill. Reg. effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 726.APPENDIX E Risk Specific Doses

BOARD NOTE: These are risk specific doses (RSDs) based on a risk of 1 in 10,000(1x10(-5)).

| Constituent | CAS No. | Unit risk (cu m(3)/ug) | RSD (ug/cu-m(3)) |
|----------------------------------|-----------|---------------------------|------------------|
| Acrylamide | 79-06-1 | 0.0013 ±3E-03 | 0.0077 7-7E-03 |
| Acrylonitrile | 107-13-1 | 0.000068 6-8E-05 | 0.15 ±5E-01 |
| Aldrin | 309-00-2 | 0.0049 4-9E-03 | 0.0020 2-0E-03 |
| Aniline | 62-53-3 | 0.0000074 7-4E-06 | 1.4 ±4E+00 |
| Arsenic | 7440-38-2 | 0.0043 4-3E-03 | 0.0023 2-3E-03 |
| Benz(a)anthracene | 56-55-3 | 0.00089 8-9E-04 | 0.011 ±1E-02 |
| Benzene | 71-43-2 | 0.0000083 8-3E-06 | 1.2 E+00 |
| Benzidine | 92-87-5 | 0.067 6-7E-02 | 0.00015 ±5E-04 |
| Benzo(a)pyrene | 50-32-8 | 0.0033 3-3E-03 | 0.0030 3-0E-03 |
| Beryllium | 7440-41-7 | 0.0024 2-4E-03 | 0.0042 4-2E-03 |
| Bis(2-chloroethyl)ether | 111-44-4 | 0.0033 3-3E-04 | 0.030 3-0E-02 |
| Bis(chloromethyl)ether | 542-88-1 | 0.062 6-2E-02 | 0.0016 ±6E-04 |
| Bis(2-ethylhexyl)- phthalate | 117-81-7 | 0.00000242 2-4E-07 | 42. 4-2E+01 |
| 1,3-Butadiene | 106-99-0 | 0.00028 2-0E-04 | 0.036 3-6E-02 |
| Cadmium | 7440-43-9 | 0.0018 ±0E-03 | 0.0056 5-6E-03 |
| Carbon Tetrachloride | 56-23-5 | 0.000015 ±5E-05 | 0.67 6-7E-01 |
| Chlordane | 57-74-9 | 0.00037 3-7E-04 | 0.027 2-7E-02 |
| Chloroform | 67-66-3 | 0.000023 2-3E-05 | 0.43 4-3E-01 |
| Chloromethane | 74-87-3 | 0.0000036 3-6E-06 | 2.8E+00 |
| Chromium VI | 7440-47-3 | 0.012 ±2E-02 | 0.00083 8-3E-04 |
| DDT | 50-29-3 | 0.000097 9-7E-05 | 0.10 ±0E-01 |
| Dibenz(a,h)anthracene | 53-70-3 | 0.014 ±4E-02 | 0.00071 7-1E-04 |
| 1,2-Dibromo-3-chloro- propane | 96-12-8 | 0.0063 6-3E-03 | 0.0016 ±6E-03 |
| 1,2-Dibromomethane | 106-93-4 | 0.00022 2-2E-04 | 0.045 4-5E-02 |
| 1,1-Dichloroethane | 75-34-3 | 0.000026 2-6E-05 | 0.38 3-8E-01 |
| 1,2-Dichloroethane | 107-06-2 | 0.000026 2-6E-05 | 0.38 3-8E-01 |
| 1,1-Dichloroethylene | 75-35-4 | 0.00005 5-0E-05 | 0.20 2-0E-01 |
| 1,3-Dichloropropene | 542-75-6 | 0.000029 2-9E-05 | 0.000029 2-9E-05 |
| Dieldrin | 60-57-1 | 0.0046 4-6E-03 | 0.0022 2-2E-03 |
| Diethylstilbestrol | 56-53-1 | 0.11 ±4E-01 | 0.000071 7-1E-05 |
| Dimethylnitrosamine | 62-75-9 | 0.014 ±4E-02 | 0.00071 7-1E-04 |
| 2,4-Dinitrotoluene | 121-14-2 | 0.000088 8-8E-05 | 0.11 ±4E-01 |
| 1,2-Diphenylhydrazine | 122-66-7 | 0.00022 2-2E-04 | 0.045 4-5E-02 |
| 1,4-Dioxane | 123-91-1 | 0.0000014 1-4E-06 | 7.1 E+00 |
| Epichlorohydrin | 106-89-8 | 0.0000012 1-2E-06 | 8.3 E+00 |
| Ethylene Oxide | 75-21-8 | 0.0010 ±0E-04 | 0.10 ±0E-01 |
| Ethylene Dibromide | 106-93-4 | 0.00022 2-2E-04 | 0.045 4-5E-02 |
| Formaldehyde | 50-00-0 | 0.000013 ±3E-05 | 0.77 7-7E-01 |

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| Constituent | CAS No. | Unit risk (cu m(3)/ug) | RSD (ug/cu-m(3)) |
|---|------------|---------------------------|-------------------|
| Heptachlor | 76-44-8 | 0.0013 ±3E-03 | 0.0077 7-7E-03 |
| Heptachlor Epoxide | 1024-57-3 | 0.0026 2-6E-03 | 0.0038 3-0E-03 |
| Hexachlorobenzene | 118-74-1 | 0.00049 4-9E-04 | 0.020 2-0E-02 |
| Hexachlorobutadiene | 87-68-3 | 0.000020 2-0E-05 | 0.50 5-0E-01 |
| Alpha-hexachlorocyclo- hexane | 319-84-6 | 0.0018 ±0E-03 | 0.0056 5-6E-03 |
| Beta-hexachlorocyclo- hexane | 319-85-7 | 0.00053 5-3E-04 | 0.019 ±9E-02 |
| Gamma-hexachlorocyclo- hexane | 58-89-9 | 0.00038 3-0E-04 | 0.026 2-6E-02 |
| Hexachlorocyclohexane, Technical | | 0.00051 5-1E-04 | 0.020 2-0E-02 |
| Hexachlorodibenzo-p- dioxin(1,2 Mixture) | | 1.3 E+0 | 0.0000077 7-7E-06 |
| Hexachloroethane | 67-72-1 | 0.0000040 4-0E-06 | 2.5 E+00 |
| Hydrazine | 302-01-2 | 0.0029 2-9E-03 | 0.0034 3-4E-03 |
| Hydrazine Sulfate | 302-01-2 | 0.0029 2-9E-03 | 0.0034 3-4E-03 |
| 3-Methylcholanthrene | 56-49-5 | 0.00027 2-7E-03 | 0.0037 3-7E-03 |
| Methyl Hydrazine | 60-34-4 | 0.00031 3-1E-04 | 0.032 3-2E-02 |
| Methylene Chloride | 75-09-2 | 0.0000041 4-1E-06 | 2.4 E+00 |
| 4,4'-Methylene-bis-2- chloroaniline | 101-14-4 | 0.000047 4-7E-05 | 0.21 ±1E-01 |
| Nickel | 7440-02-0 | 0.00024 2-4E-04 | 0.042 4-2E-02 |
| Nickel Refinery Dust | 7440-02-0 | 0.00024 2-4E-04 | 0.042 4-2E-02 |
| Nickel Subosulfide | 12035-72-2 | 0.00048 4-0E-04 | 0.021 2-1E-02 |
| 2-Nitropropane | 79-46-9 | 0.027 2-7E-02 | 0.00037 3-7E-04 |
| N-Nitroso-n-butylamine | 924-16-3 | 0.0016 ±6E-03 | 0.0063 6-3E-03 |
| N-Nitrosodimethylurea | 684-93-5 | 0.086 8-6E-02 | 0.00012 ±2E-04 |
| N-Nitrosodiethylamine | 55-18-5 | 0.043 4-3E-02 | 0.00023 2-3E-04 |
| N-Nitrosopyrrolidine | 930-55-2 | 0.00061 6-1E-04 | 0.016 ±6E-02 |
| Pentachloronitrobenzene | 82-68-8 | 0.000073 7-3E-05 | 0.11 ±4E-01 |
| PCBs | 1336-36-3 | 0.0012 ±2E-03 | 0.0083 8-3E-03 |
| Promamide | 23950-58-5 | 0.0000046 4-6E-06 | 2.2 E+00 |
| Reserpine | 50-55-5 | 0.0030 3-0E-03 | 0.0033 3-3E-03 |
| 2,3,7,8-Tetrachloro- dibenzo-p-dioxin | 1746-01-6 | 45. 4-5E+01 | 0.0000022 2-2E-07 |
| 1,1,2,2-Tetrachloroethane | 79-34-5 | 0.000058 5-8E-05 | 0.17 ±7E-01 |
| Tetrachloroethylene | 127-18-4 | 0.00000048 4-8E-07 | 0.021 2-1E-01 |
| Thiourea | 62-56-6 | 0.00055 5-5E-04 | 0.018 ±0E-02 |
| 1,1,2-Trichloroethane | 79-00-5 | 0.000016 ±6E-05 | 0.63 6-3E-01 |
| Trichloroethylene | 79-01-6 | 0.0000013 1-3E-06 | 7.7 E+00 |
| 2,4,6-Trichlorophenol | 88-06-2 | 0.0000057 5-7E-06 | 1.8 E+00 |
| Toxaphene | 8001-35-2 | 0.00032 3-2E-04 | 0.031 3-1E-02 |
| Vinyl Chloride | 75-01-4 | 0.0000071 7-1E-06 | 1.4 E+00 |

(Source: Amended at 19 Ill. Reg.

effective

POLLUTION CONTROL BOARD

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Section 726. APPENDIX M Mercury-Bearing Wastes That May Be Processed in Exempt Mercury Recovery Units

The following materials are exempt mercury-bearing materials containing less than 500 ppm of 35 Ill. Adm. Code 721. Appendix H organic constituents, when generated by manufacturers or users of mercury or mercury products:

Activated carbon
Decomposer graphite
Wood
Paper
Protective clothing
Sweepings
Respiratory cartridge filters
Cleanup articles
Plastic bags and other contaminated containers
Laboratory and process control samples
K106 and other wastewater treatment plan sludge and filter cake
Mercury cell sump and tank sludge
Mercury cell process solids

Recoverable levels of mercury contained in soil

(Source: Added at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Standards for the Management of Used Oil

2) Code Citation: 35 Ill. Adm. Code 739

3) Section numbers: Proposed Action:

739.110 Amended

4) Statutory Authority: 415 ILCS 5/22.4 and 27

5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of March 2, 1995, in R95-4 and R95-6 (consolidated), which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates Parts 700, 702, 703, 705, 720, 721, 722, 723, 724, 725, 726, 728, 730, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste and underground injection control (UIC) rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994. During this period, U.S. EPA amended its regulations as follows:

Federal ActionSummary

59 Fed. Reg. 38536,
July 28, 1994

Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry

59 Fed. Reg. 43496,
August 24, 1994

Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) that are used in a manner constituting disposal

59 Fed. Reg. 47980,
September 19, 1994

Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040

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- 59 Fed. Reg. 47982, September 19, 1994 Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)
- 59 Fed. Reg. 62896, December 6, 1994 Organic material air emission standards for tanks, surface impoundments, and containers
- In addition to these principal amendments that occurred during the update period, the Board has included an additional, later action:
- 60 Fed. Reg. 242, January 3, 1995 Corrections to the Phase II land disposal restrictions (universal treatment standards)
- This January 3 action was an amendment of the September 19, 1994 Phase II LDRs universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:
- 1) The January 3, 1995 amendments are corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;
 - 2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and
 - 3) The Board has received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the later amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket.

In addition to the federally-derived amendments, the Board used this opportunity to undertake a number of housekeeping and corrective amendments. We have effected the removal of all cross-references for effective dates and repealed Part 700. We have converted equations and formulae to the standard scientific format. We have tried to improve the language and structure of various provision, including correcting grammar, punctuation, and spelling where necessary.

Specifically, the segment of the amendments involved in Part 739 change the reference from former 35 Ill. Adm. Code 721.103(c)(2)(A) to the new location at 35 Ill. Adm. Code 721.103(e)(1), renumbered in this docket.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act (415 ILCS 5/22.4(a)). The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste or they engage in underground injection of waste.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R95-4/R95-6 and be addressed to:
Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
(312) 814-6931
Address all questions to Michael J. McCambridge, at (312) 814-6924.
- 12) Initial regulatory flexibility analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 6, 1995.

- B) Types of small businesses affected: The existing rules and proposed amendments affect small businesses that generate, transport, treat, store, or dispose of hazardous waste or engage in underground injection of waste.

- C) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

- D) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

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The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: SPECIFIC HAZARDOUS WASTE MANAGEMENT STANDARDS

PART 739

STANDARDS FOR THE MANAGEMENT OF USED OIL

SUBPART A: DEFINITIONS

Section
739.100 Definitions

SUBPART B: APPLICABILITY

Section
739.110 Applicability
739.111 Used oil specifications
739.112 Prohibitions

SUBPART C: STANDARDS FOR USED OIL GENERATORS

Section
739.120 Applicability
739.121 Hazardous waste mixing
739.122 Used oil storage
739.123 On-site burning in space heaters
739.124 Off-site shipments

SUBPART D: STANDARDS FOR USED OIL COLLECTION CENTERS AND
AGGREGATION POINTS

Section
739.130 Do-it-yourselfer used oil collection centers
739.131 Used oil collection centers
739.132 Used oil aggregate points owned by the generator

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER
FACILITIES

Section
739.140 Applicability
739.141 Restrictions on transporters who are not also processors
739.142 Notification
739.143 Used oil transportation
739.144 Rebuttable presumption for used oil
739.145 Used oil storage at transfer facilities

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739.146 Tracking
739.147 Management of residues

SUBPART F: STANDARDS FOR USED OIL PROCESSORS

Section
739.150 Applicability
739.151 Notification
739.152 General facility standards
739.153 Rebuttable presumption for used oil
739.154 Used oil management
739.155 Analysis plan
739.156 Tracking
739.157 Operating record and reporting
739.158 Off-site shipments of used oil
739.159 Management of residues

SUBPART G: STANDARDS FOR USED OIL BURNERS WHO BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section
739.160 Applicability
739.161 Restriction on burning
739.162 Notification
739.163 Rebuttable presumption for used oil
739.164 Used oil storage
739.165 Tracking
739.166 Notices
739.167 Management of residues

SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

Section
739.170 Applicability
739.171 Prohibitions
739.172 On-specification used oil fuel
739.173 Notification
739.174 Tracking
739.175 Notices

SUBPART I: STANDARDS FOR USE AS A DUST SUPPRESSANT DISPOSAL OF USED OIL

Section
739.180 Applicability
739.181 Disposal
739.182 Use as a dust suppressant

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the

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Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6931, effective April 26, 1994; amended in R94-17 at 18 Ill. Reg. 17616, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. _____, effective _____.

SUBPART B: APPLICABILITY

Section 739.110 Applicability

This Section identifies those materials which are subject to regulation as used oil under this Part. This Section also identifies some materials that are not subject to regulation as used oil under this Part, and indicates whether these materials may be subject to regulation as hazardous waste under Parts 702, 703, 720 through 726, and 728.

- a) Used oil. U.S. EPA presumes that used oil is to be recycled unless a used oil handler disposes of used oil, or sends used oil for disposal. Except as provided in Section 739.111, the regulations of this Part apply to used oil, and to materials identified in this Section as being subject to regulation as used oil, whether or not the used oil or material exhibits any characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C.
- b) Mixtures of used oil and hazardous waste.
 - 1) Listed hazardous waste.
 - A) A mixture of used oil and hazardous waste that is listed in 35 Ill. Adm. Code 721.Subpart D is subject to regulation as hazardous waste under 35 Ill. Adm. Code 703, 720 through 726, and 728, rather than as used oil under this Part.
 - B) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 35 Ill. Adm. Code 721.Appendix H). U.S. EPA Publication SW-846, Third Edition, is available from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, (202) 783-3238 (document number 955-001-00000-1).
 - i) The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in Section 739.124(c), to reclaim metalworking oils or fluids. The presumption

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does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner, or disposed.

- ii) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

- 2) Characteristic hazardous waste. A mixture of used oil and hazardous waste that exhibits a hazardous waste characteristic identified in 35 Ill. Adm. Code 721.Subpart C and a mixture of used oil and hazardous waste that is listed in Subpart D of this Part solely because it exhibits one or more of the characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C is subject to:

- A) Except as provided in subsection (b)(2)(C) of this Section, regulation as hazardous waste under 35 Ill. Adm. Code 703, 720 through 726, and 728 rather than as used oil under this Part, if the resultant mixture exhibits any characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C; or

- B) Except as provided in subsection (b)(2)(C) of this Section, regulation as used oil under this Part, if the resultant mixture does not exhibit any characteristics of hazardous waste identified under 35 Ill. Adm. Code 721.Subpart C.

- C) Regulation as used oil under this Part, if the mixture is of used oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability (e.g., ignitable-only mineral spirits), provided that the resultant mixture does not exhibit the characteristic of ignitability under 35 Ill. Adm. Code 721.121.

- 3) Conditionally exempt small quantity generator hazardous waste. A mixture of used oil and conditionally exempt small quantity generator hazardous waste regulated under 35 Ill. Adm. Code 721.105 is subject to regulation as used oil under this Part.

- c) Materials containing or otherwise contaminated with used oil.

- 1) Except as provided in subsection (c)(2) of this Section, a material containing or otherwise contaminated with used oil from which the used oil has been properly drained or removed to the extent possible such that no visible signs of free-flowing oil remain in or on the material:

- A) Is not used oil, and thus, it is not subject to this Part, and
- B) If applicable, is subject to the hazardous waste regulations of 35 Ill. Adm. Code 703, 705, 720 through 726, and 728.

- 2) A material containing or otherwise contaminated with used oil

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that is burned for energy recovery is subject to regulation as used oil under this Part.

- 3) Used oil drained or removed from materials containing or otherwise contaminated with used oil is subject to regulation as used oil under this Part.

- d) Mixtures of used oil with products.

- 1) Except as provided in subsection (d)(2) below, mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under this Part.

- 2) Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to this Part once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of Subpart C of this Part.

- e) Materials derived from used oil.

- 1) Materials that are reclaimed from used oil that are used beneficially and are not burned for energy recovery or used in a manner constituting disposal (e.g., re-refined lubricants) are:

- A) Not used oil and thus are not subject to this Part, and
- B) Not solid wastes and are thus not subject to the hazardous waste regulations of Parts 35 Ill. Adm. Code 703, 720 through 726, and 728 as provided in 35 Ill. Adm. Code 721.103(e)(2)(A)(i).

- 2) Materials produced from used oil that are burned for energy recovery (e.g., used oil fuels) are subject to regulation as used oil under this Part.

- 3) Except as provided in subsection (e)(4) below, materials derived from used oil that are disposed of or used in a manner constituting disposal are:

- A) Not used oil and thus are not subject to this Part, and
- B) Are solid wastes and thus are subject to the hazardous waste regulations of 35 Ill. Adm. Code 703, 720 through 726, and 728 if the materials are listed or identified as hazardous waste.

- 4) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are not subject to this Part.

- f) Wastewater. Wastewater, the discharge of which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act (including wastewaters at facilities which have eliminated the discharge of wastewater), contaminated with de minimis quantities of used oil are not subject to the requirements of this Part. For purposes of this subsection, "de minimis" quantities of used oils are defined as small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small amounts of oil lost to the wastewater treatment system during washing or draining operations. This exception will not apply if the used oil is discarded as a result of abnormal manufacturing operations

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resulting in substantial leaks, spills, or other releases, or to used oil recovered from wastewaters.

- g) Used oil introduced into crude oil pipelines or a petroleum refining facility.

1) Used oil mixed with crude oil or natural gas liquids (e.g., in a production separator or crude oil stock tank) for insertion into a crude oil pipeline is exempt from the requirements of this Part. The used oil is subject to the requirements of this Part prior to the mixing of used oil with crude oil or natural gas liquids.

2) Mixtures of used oil and crude oil or natural gas liquids containing less than 1% used oil that are being stored or transported to a crude oil pipeline or petroleum refining facility for insertion into the refining process at a point prior to crude distillation or catalytic cracking are exempt from the requirements of this Part.

3) Used oil that is inserted into the petroleum refining process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from the requirements of this Part, provided that the used oil contains less than 1% of the crude oil feed to any petroleum refining facility process unit at any given time. Prior to insertion into the petroleum refining process, the used oil is subject to the requirements of this Part.

4) Except as provided in subsection (g)(5) below, used oil that is introduced into a petroleum refining facility process after crude distillation or catalytic cracking is exempt from the requirements of this Part only if the used oil meets the specification of Section 739.111. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of this Part.

5) Used oil that is incidentally captured by a hydrocarbon recovery system or wastewater treatment system as part of routine process operations at a petroleum refining facility and inserted into the petroleum refining facility process is exempt from the requirements of this Part. This exemption does not extend to used oil that is intentionally introduced into a hydrocarbon recovery system (e.g., by pouring collected used oil into the wastewater treatment system).

6) Tank bottoms from stock tanks containing exempt mixtures of used oil and crude oil or natural gas liquids are exempt from the requirements of this Part.

h) Used oil on vessels. Used oil produced on vessels from normal shipboard operations is not subject to this Part until it is transported ashore.

i) Used oil containing PCBs. In addition to the requirements of this Part, a marketer or burner of used oil that markets used oil containing any quantifiable level of PCBs is subject to the

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requirements of 40 CFR 761.20(e).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Underground Injection Control Operating Requirements

2) Code citation: 35 Ill. Adm. Code 730

3) Section numbers: Proposed action:

730.104, 730.105, 730.110 Amended
730.132, 730.133, 730.151 Amended

4) Statutory authority: 415 ILCS 5/13, 22.4 and 27.

5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's proposed opinion of March 2, 1995, in R95-4 and R95-6 (consolidated), which opinion is available from the address below. Sections 13(c) and 22.4(a) of the Environmental Protection Act (415 ILCS 5/13(c) & 22.4(a)) provides that Section 5-35 of the Administrative Procedure Act (5 ILCS 100/5-35) shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates Parts 700, 702, 703, 705, 720, 721, 722, 723, 724, 725, 726, 728, 730, 738, and 739 of the Illinois RCRA Subtitle C hazardous waste and underground injection control (UIC) rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994. During this period, U.S. EPA amended its regulations as follows:

Federal ActionSummary

59 Fed. Reg. 38536, Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry
July 28, 1994

59 Fed. Reg. 43496, Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HWMR) of electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) that are used in a manner constituting disposal
August 24, 1994

59 Fed. Reg. 47980, Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040
September 19, 1994

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59 Fed. Reg. 47982, Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)
September 19, 1994

59 Fed. Reg. 62896, Organic material air emission standards for tanks, surface impoundments, and containers
December 6, 1994

In addition to these principal amendments that occurred during the update period, the Board has included an additional, later action:

60 Fed. Reg. 242, Corrections to the Phase II land disposal restrictions (universal treatment standards)
January 3, 1995

This January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

1) The January 3, 1995 amendments are corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;

2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and

3) The Board has received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the later amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket.

In addition to the federally-derived amendments, the Board used this opportunity to undertake a number of housekeeping and corrective amendments. We have effected the removal of all cross-references for effective dates and repealed Part 700. We have converted equations and formulae to the standard scientific format. We have tried to improve the language and structure of various provisions, including correcting grammar, punctuation, and spelling where necessary.

Specifically, the segment of the amendments involved in Part 730 involve correction and clarification of various provisions. The original intent was to open the Sections involved to remove reliance on references to 35 Ill. Adm. Code 700.106 for effective dates. The Board effected this by making the corrections and clarifications, so that the references to

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Sections 700.106 would be removed from the Section source notes.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives:

This rulemaking is mandated by Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) & 22.4(a)]. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste or they engage in underground injection of waste.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R95-4/R95-6 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
Telephone: 312/814-6931

Address all questions to Michael J. McCambridge, at 312/814-6924.

- 12) Initial regulatory flexibility analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 6, 1995.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses that generate, transport, treat, store, or dispose of hazardous waste or engage in underground injection of waste.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping, and other procedures, including the preparation of manifests and annual reports, waste analyses, and maintenance of operating records.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND
UNDERGROUND STORAGE TANK PROGRAMS

PART 730

UNDERGROUND INJECTION CONTROL OPERATING REQUIREMENTS

SUBPART A: GENERAL

| Section | Applicability, Scope and Effective Date |
|---------|---|
| 730.101 | Laws Authorizing Regulations |
| 730.102 | Definitions |
| 730.103 | Criteria for Exempted Aquifers |
| 730.104 | Classification of Injection Wells |
| 730.105 | Area of Review |
| 730.106 | Corrective Action |
| 730.107 | Mechanical Integrity |
| 730.108 | Criteria for Establishing Permitting Priorities |
| 730.109 | Plugging and Abandoning Class I and Class III Wells |
| 730.110 | |

SUBPART B: CRITERIA AND STANDARDS APPLICABLE
TO CLASS I NON-HAZARDOUS WELLS

| Section | Applicability |
|---------|--|
| 730.111 | Construction Requirements |
| 730.112 | Operating, Monitoring and Reporting Requirements |
| 730.113 | Information to be Considered by the Agency |
| 730.114 | |

SUBPART C: CRITERIA AND STANDARDS APPLICABLE
TO CLASS II WELLS

| Section | Adoption of Criteria and Standards Applicable to Class II Wells by the Illinois Department of Mines and Minerals |
|---------|---|
| 730.121 | |

SUBPART D: CRITERIA AND STANDARDS APPLICABLE
TO CLASS III WELLS

| Section | Applicability |
|---------|---|
| 730.131 | Construction Requirements |
| 730.132 | Operating, Monitoring, and Reporting Requirements |
| 730.133 | Information to be Considered by the Agency |
| 730.134 | |

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SUBPART F: CRITERIA AND STANDARDS APPLICABLE

TO CLASS V INJECTION WELLS

| Section | Applicability |
|---------|-------------------------------------|
| 730.151 | Inventory and Assessment (Repealed) |
| 730.152 | |

SUBPART G: CRITERIA AND STANDARDS APPLICABLE TO CLASS I HAZARDOUS WELLS

| Section | Applicability and Definitions |
|---------|--|
| 730.161 | Minimum Criteria for Siting |
| 730.162 | Area of Review |
| 730.163 | Correction Action for Wells in the Area of Review |
| 730.164 | Construction Requirements |
| 730.165 | Logging, Sampling, and Testing Prior to New Well Operation |
| 730.166 | Operating Requirements |
| 730.167 | Testing and Monitoring Requirements |
| 730.168 | Reporting Requirements |
| 730.169 | Information to be Evaluated by the Director |
| 730.170 | Closure |
| 730.171 | Post-Closure Care |
| 730.172 | Financial Responsibility for Post-Closure Care |
| 730.173 | |

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4, and 27].

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective March 3, 1984; amended in R82-19, 53PCB131, at 7 Ill. Reg. 14426, effective March 3, 1984; recodified at 10 Ill. Reg. 14174; amended at R89-2 at 14 Ill. Reg. 3130, effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11959, effective July 9, 1990; amended in R93-6 at 17 Ill. Reg. 15646, effective September 14, 1993; amended in R94-5 at 18 Ill. Reg. 18391, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 730.104 Criteria for Exempted Aquifers

An aquifer or a portion thereof which that meets the criteria for an "underground source of drinking water" in Section 730.103 may be determined by the Board under 35 Ill. Adm. Code 704.103, 704.123, and 702.105 to be an "exempted aquifer" if it meets the following criteria:

- It does not currently serve as a source of drinking water; and
- It cannot now and will not in the future serve as a source of drinking water because:
 - It is mineral, hydrocarbon₂ or geothermal energy producing, or

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- ~~can-be-demonstrated-by-a~~ permit applicant can demonstrate, as part of a permit application for a Class II or III ~~operation~~ injection well, that the aquifer to ~~contain~~ contains minerals or hydrocarbons that ~~considering-their-quantity-and-location~~ are expected to be commercially producible considering their quantity and location;
- 2) It is situated at a depth or location which that makes recovery of water for drinking water purposes economically or technologically impractical;
- 3) It is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption; or
- 4) It is located over a Class III well mining area subject to subsidence or catastrophic collapse; or
- c) The total dissolved solids content of the ground-water is more than 3,000 and less than 10,000 mg/l and the aquifer is not reasonably expected to supply a public water system.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 730.105 Classification of Injection Wells

Injection wells are classified as follows:

- a) Class I.
- 1) Wells used by generators of hazardous wastes or owners or operators of hazardous waste management facilities to inject hazardous waste beneath the lowermost formation containing ~~within-402-meters-1/4-mile-of-the-well-bore~~ an underground source of drinking water within 402 meters (1/4 mile) of the well bore.
- 2) Other industrial and municipal disposal wells which that inject fluids beneath the lowermost formation containing ~~within-402-meters-1/4-mile-of-the-well-bore~~ an underground source of drinking water within 402 meters (1/4 mile) of the well bore.
- b) Class II. Wells which that inject fluids:
- 1) Which That are brought to the surface in connection with conventional oil or natural gas production and which may be commingled with wastewaters from gas plants which that are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;
- 2) For enhanced recovery of oil or natural gas; and
- 3) For storage of hydrocarbons which that are liquid at standard temperature and pressure.
- c) Class III. Wells which that inject for extraction of minerals, including:
- 1) Mining of sulfur by the Frasch process;
- 2) In situ production of uranium or other metals. This category

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includes only in situ production from ore bodies which that have not been conventionally mined. Solution mining of conventional mines, such as stopes leaching, is included in Class V-2.

- 3) Solution mining of salts or potash.

~~(Board-Note-BOARD NOTE: Class III wells include the recovery of geothermal energy to produce electric power but do not include wells used in heating or aquaculture which that fall under Class V-7~~

d) Class IV.

- 1) Wells used by generators of hazardous waste or of radioactive waste, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste into a formation which that ~~within-402-meters-1/4-mile-of-the-well~~ contains an underground source of drinking water within 402 meters (1/4 mile) of the well.

- 2) Wells used by generators of hazardous waste or of radioactive waste, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste above a formation which that ~~within-402-meters-1/4-mile-of-the-well~~ contains an underground source of drinking water within 402 meters (1/4 mile) of the well.

- 3) Wells used by generators of hazardous waste or owners or operators of hazardous waste management facilities to dispose of hazardous waste ~~which~~ that cannot be classified under ~~35-III-Adm-Code-730-105~~ subsection (a)(1), ~~or-730-105(d)(1), and or~~ (d)(2) above (e.g., wells used to dispose of hazardous wastes into or above a formation which that contains an aquifer which that has been exempted pursuant to 35-III-Adm-Code Section 730.104).

- e) Class V. Injection wells not included in Class I, Class II, Class III, or Class IV. Class V wells include:

- 1) Air conditioning return flow wells used to return the water used in a heat pump for heating or cooling to the supply aquifer the water-used-for-heating-or-cooling-in-a-heat-pump;
- 2) Cesspools, including multiple dwelling, community, or regional cesspools, or other devices that receive wastes ~~which~~ that have an open bottom and sometimes have perforated sides. The UIC requirements do not apply to single family residential cesspools or to non-residential cesspools which that receive solely sanitary wastes and have the capacity to serve fewer than 20 persons a day;
- 3) Cooling water return flow wells used to inject water previously used for cooling;
- 4) Drainage wells used to drain surface fluid, primarily storm runoff, into a subsurface formation;
- 5) Dry wells used for the injection of wastes into a subsurface

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formation:

- 6) Recharge wells used to replenish the water in an aquifer;
- 7) Salt water intrusion barrier wells used to inject water into a fresh water aquifer to prevent the intrusion of salt water into the fresh water;
- 8) Sand backfill and other backfill wells used to inject a mixture of water and sand, mill tailings, or other solids into mined out portions of subsurface mines whether what is injected is a radioactive waste or not;
- 9) Septic system wells used to inject the waste or effluent from a multiple dwelling, business establishment, community, or regional business establishment septic tank. The UIC requirements do not apply to single family residential septic system wells, or to non-residential septic system wells which that are used solely for the disposal of sanitary waste and which have the capacity to serve fewer than 20 persons a day;
- 10) Subsidence control wells (not used for the purpose of oil or natural gas production) used to inject fluids into a non-oil or gas producing zone to reduce or eliminate subsidence associated with the overdraft of fresh water;
- 11) Radioactive waste disposal wells other than Class IV wells;
- 12) Injection wells associated with the recovery of geothermal energy for heating, aquaculture or production of electric power;
- 13) Wells used for solution mining of conventional mines such as slopes leaching;
- 14) Wells used to inject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts; and
- 15) Injection wells used in experimental technologies.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 730.110 Plugging and Abandoning Class I and Class III Wells

- a) Prior to abandoning a Class I or Class III well, the well shall be plugged with cement in a manner which that will not allow the movement of fluids either into or between underground sources of drinking water. The Agency may allow Class III wells to use other plugging materials if it is satisfied that such materials will prevent movement of fluids into or between underground sources of drinking water.
- b) Placement of the cement plugs shall be accomplished by one of the following:
 - 1) The Balance Method;
 - 2) The Dump Baller Method; ~~or~~
 - 3) The Two-Plug Method; or
 - 4) An alternative method approved by the Agency in the permit which that will reliably provide a comparable level of protection to

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- c) The well to be abandoned shall must be in a state of static equilibrium with the mud weight equalized top to bottom, either by circulating the mud in the well at least once or by a comparable method prescribed by the Agency, prior to the placement of the cement plug.
- d) The plugging and abandonment required in 35 Ill. Adm. Code 704.188 and 704.187 shall must also demonstrate adequate protection of USDWs in the case of a Class III project well which that underlies or is in an aquifer which that has been exempted under Section 730.1047--~~also~~ demonstrate--adequate-protection-of-USDWs. The Agency shall prescribe aquifer cleanup and monitoring where it deems it necessary and feasible to insure adequate protection of USDWs.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUPPORT D: CRITERIA AND STANDARDS APPLICABLE TO CLASS III WELLS

Section 730.132 Construction Requirements

- a) All new Class III wells shall must be cased and cemented to prevent the migration of fluids into or between underground sources of drinking water. The Agency may waive the cementing requirements for new wells in existing projects or portions of existing projects where it has substantial evidence that no contamination of underground sources of drinking water would result. The casing and cement used in the construction of each newly drilled well shall must be designed for the life expectancy of the well. In determining and specifying casing and cementing requirements, the following factors shall must be considered:
 - 1) Depth to the injection zone;
 - 2) Injection pressure, external pressure, internal pressure, axial loading, etc.;
 - 3) Hole size;
 - 4) Size and grade of all casing strings (wall thickness, diameter, nominal weight, length, joint specification, and construction material);
 - 5) Corrosiveness of injected fluids and formation fluids;
 - 6) Lithology of injection and confining zones; and
 - 7) Type and grade of cement.
- b) Appropriate logs and other tests shall must be conducted during the drilling and construction of new Class III wells. A descriptive report interpreting the results of such logs and tests shall must be prepared by a knowledgeable log analyst and submitted to the Agency. The logs and tests appropriate to each type of Class III well shall must be determined based on the intended function, depth, construction, and other characteristics of the well; availability of

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similar data in the area of the drilling site; and the need for additional information that may arise from time to time as the construction of the well progresses. Deviation checks shall must be conducted on all holes where pilot holes and reaming are used, unless the hole will be cased and cemented by circulating cement to the surface. Where deviation checks are necessary they shall must be conducted at sufficiently frequent intervals to assure that vertical avenues for fluid migration in the form of diverging holes are not created during drilling.

- c) Where the injection zone is a formation which that is naturally water-bearing, the following information concerning the injection zone shall must be determined or calculated for new Class III wells or projects:
 - 1) Fluid pressure;
 - 2) Fracture pressure; and
 - 3) Physical and chemical characteristics of the formation fluids.
- d) Where the injection formation is not a water-bearing formation, the information in paragraph subsection (c)(2) above must be submitted.
- e) Where injection is into a formation which that contains water with less than 10,000 mg/l TDS, monitoring wells shall be completed into the injection zone and into any underground sources of drinking water above the injection zone which that could be affected by the mining operation. These wells shall be located in such a fashion as to detect any excursion of injection fluids, process by-products, or formation fluids outside the mining area or zone. If the operation may be affected by subsidence or catastrophic collapse, the monitoring wells shall be located so that they will not be physically affected.
- f) Where injection is into a formation which that does not contain water with less than 10,000 mg/l TDS, no monitoring wells are necessary in the injection stratum.
- g) Where the injection wells penetrate an USDW in an area subject to subsidence or catastrophic collapse, an adequate number of monitoring wells shall must be completed into the USDW to detect any movement of injected fluids, process by-products, or formation fluids into the USDW. The monitoring wells shall must be located outside the physical influence of the subsidence or catastrophic collapse.
- h) In determining the number, location, construction and frequency of monitoring of the monitoring wells the following criteria shall must be considered:
 - 1) The population relying on the USDW affected or potentially affected by the injection operation;
 - 2) The proximity of the injection operation to points of withdrawal of drinking water;
 - 3) The local geology and hydrology;
 - 4) The operating pressures and whether a negative pressure gradient is being maintained;
 - 5) The nature and volume of the injected fluid, the formation water, and the process by-products; and

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- 6) The injection well density.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 730.133 Operating, Monitoring, and Reporting Requirements

- a) Operating Requirements. Operating requirements prescribed shall must, at a minimum, specify that:
 - 1) Except during well stimulation, injection pressure at the wellhead shall must be calculated so as to assure that the pressure in the injection zone during injection does not initiate new fractures or propagate existing fractures in the injection zone. In no case shall injection pressure initiate fractures in the confining zone or cause the migration of injection or formation fluids into an underground source of drinking water.
 - 2) Injection between the outermost casing protecting underground sources of drinking water and the well bore is prohibited.
- b) Monitoring Requirements. Monitoring requirements shall, at a minimum, specify:
 - 1) Monitoring of the nature of injected fluids with sufficient frequency to yield representative data on its characteristics. Whenever the injection fluid is modified to the extent that the analysis required by Section 730.134 (a)(7)(C) is incorrect or incomplete, the owner or operator shall provide the Agency with a new analysis as required by Section 730.134 (a)(7)(C);
 - 2) Monitoring of injection pressure and either flow rate or volume monthly, or metering and daily recording of injected and produced fluid volumes, as appropriate;
 - 3) Demonstration of mechanical integrity pursuant to Section 730.108 at least once every five years during the life of the well for salt solution mining;
 - 4) Monitoring of the fluid level in the injection zone semi-monthly, where appropriate, and monitoring of the parameters chosen to measure water quality in the monitoring wells required by Section 730.132(e) semi-monthly; and
 - 5) Quarterly monitoring of wells required by Section 730.132(g).
- 6) All Class III wells may be monitored on a field or project basis, rather than on an individual well basis, by manifold monitoring. Manifold monitoring may be used in cases of facilities consisting of more than one injection well operating with a common manifold. Separate monitoring systems for each well are not required provided the owner or operator demonstrates that manifold monitoring is comparable to individual well monitoring.
- c) Reporting Requirements. Reporting requirements shall, at a minimum, include:
 - 1) Quarterly reporting to the Agency on required monitoring;
 - 2) Results of mechanical integrity and any other periodic test

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required by the Agency reported with the first regular quarterly report after the completion of the test; and

3) Monitoring may be reported on a project or field basis rather than individual well basis where manifold monitoring is used.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART F: CRITERIA AND STANDARDS APPLICABLE
TO CLASS V INJECTION WELLS

Section 730.151 Applicability

This Subpart sets forth criteria and standards for underground injection control programs to regulate all injection not regulated in 730.Subparts B, D, and E. Class II wells, however, are not regulated by this Subpart.

a) Generally, wells covered by this Subpart inject non-hazardous fluids into or above formations that contain underground sources of drinking water. It includes all wells listed in Section 730.105(e) but is not limited to those types of injection wells.

b) It also includes wells not covered in Class IV that inject radioactive materials listed in 10 CFR 20, Appendix B, Table II, Column 2.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Hospital Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 152
- 3) Section Numbers: Proposed Action:
152.100 Repeal
152.150 Amendment
152.200 Amendment
152.250 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: The Department of Public Aid is proposing changes to 89 Ill. Adm. Code 152 to maintain rates of reimbursement for hospital services at the levels which have been effective since January 18, 1994. The maintenance of rates will continue through fiscal year 1996, and will affect rates calculated according to methodologies located in 89 Ill. Adm. Code 149, Diagnosis Related Grouping (DRG) Prospective Payment System (PPS), and 89 Ill. Adm. Code 148, Hospital Services. These cost containment measures are necessary to permit the Department to continue to purchase hospital services in a prudent and cost effective manner, and to prevent excessive and unnecessary expenditures, while maintaining adequate reimbursement levels.

Section 152.250 provides an appeal mechanism for any hospital that believes it is facing significant financial hardships by continuing to provide services according to this rate maintenance. Under these proposed amendments, the availability of this appeal process is also being extended through fiscal year 1996.

Section 152.100, which is being proposed for repeal, provides for the application of an adjustment factor to certain add-on payments for hospitals. Because of Public Act 88-554, the add-on payments must be eliminated at the end of fiscal year 1995 and the adjustment factors will no longer be applicable.

The proposed amendments to Sections 152.150, 152.200, and 152.250 are not expected to result in any budgetary changes. It is anticipated that the repeal of Section 152.100 will result in a reduction in Department expenditures of approximately \$130.7 million for fiscal year 1996.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal? Yes. Sections 152.150(e), 152.200(c) and 152.250(g) contain an automatic repeal date of June 30, 1996.

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- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., 3rd Floor, Springfield, Illinois 62762 (Phone: (217) 524-3215). The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100.5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Hospitals
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: The reasons for this rulemaking are fully described above in the complete description of the subjects and issues involved. This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 152
HOSPITAL REIMBURSEMENT CHANGES

Section

- 152.100 Reimbursement Add-on Adjustments (Repealed)
152.150 Diagnosis Related Grouping (DRG) Prospective System (PPS)
152.200 Non-DRG Reimbursement Methodologies
152.250 Appeals

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V and VI and 12-13] and implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. III].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2150, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10141, effective June 17, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 152.100 Reimbursement Add-on Adjustments (Repealed)

- a) Netwithstanding any provisions set forth in 89-III-Adm-Code-1487-the changes--in--rate--described-in-this-Section-will-be-effective-January 107-19947
- b) Outpatient-indigent-volume-adjustments-as-described-in-89-III-Adm-Code-1487(1487(5)(A))--and--(1487(5)(B))--as-calculated-for-rate-year-19947 shall--remain--in--effect--through--fiscal--year--1995--Hospitals--not qualifying-in-rate-year-1994-(October-17-1993--through--September--307-19947)--must--submit--the--data--described-in-89-III-Adm-Code-1487-150-in order-to-qualify-in-rate-year-1995-(October-17-1994--through--September-307-19957)
- c) Uncompensated--care--payment-adjustments--as-described-in-89-III-Adm-Code-1487(1487(7))--for--the--period-of--October-17-19947--through--June--307-19957--shall--be--adjusted--by--a--factor--that--will--equitize--aggregate payments--made--under--89-III-Adm-Code-1487(1487(9))--during--the--period--of--July--17-19947--through--June--307-19957--to--the--payments--made--under--89-III-Adm-Code-1487(1487(9))--and--(1487(9))--during--the--period-of--July--17-19937--through--June--307-19947--the--factor--shall--be--a--fraction--the--numerator of--which--is--the--aggregate--uncompensated--care--payments--for--the--period of--July--17-19937--through--June--307-19947--and--the--denominator--of--which is--the--aggregate--uncompensated--care--payments--for--the--period-of--July--17-19947--through--June--307-19957:

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b) Non-appealable issue. The October 1, 1993, rates and reimbursement systems used to calculate the rates are not appealable.

c) Appeal documentation.

as described in 89 Ill. Adm. Code 148.25(g)(2)(B). For this adjustment, DRG base payment rate means the product of the PPS base rate, as described in 89 Ill. Adm. Code 149.100(c)(3), and the indirect medical education factor, as described in 89 Ill. Adm. Code 149.150(c)(3).

1) The hospital must submit an explanation of the circumstances creating the need for the appeal, including a detail of the hospital services that will be significantly curtailed if the hospital is not granted financial relief. The explanation must include a statement of attestation signed by the hospital's chief executive officer, chief financial officer, treasurer or its properly authorized agent. The signature verifies by written declaration, and under penalties of perjury, that the signing officer has personally examined the documentation and that the information is true, correct, and complete.

c) All payments calculated under 89 Ill. Adm. Code 149.140 and 149.150(c)(1), (c)(2) and (c)(4), in effect on January 18, 1994, shall remain in effect until June 30, 1995.

2) The hospital must file a cash position statement which is based upon current assets (including all unrestricted investments), current liabilities and other data for a date which is less than 60 days old. Any liabilities payable to owners or related parties must not be reported as current liabilities on the cash position statement.

d) For hospital inpatient services rendered on or after July 1, 1995, and prior to July 1, 1996, the Department shall reimburse hospitals using the relative weighting factors and the base payment rates calculated pursuant to the methodology described in this Section, that were in effect on June 30, 1995, less the portion of such rates attributed by the Department to the cost of medical education.

3) The hospital must submit a copy of its last two financial statements audited by an external, independent certified public accountant. If the hospital is part of a group of entities which are related by common ownership or control or both, a consolidated financial statement audited by an external, independent certified public account is also required. If consolidated financial statements are not available, then the individual audited financial statements from each of the related entities may be submitted separately. The Department will merge the information.

e) This Section shall be automatically repealed effective June 30, 1996 June-30-1995.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 152.200 Non-DRG Reimbursement Methodologies

d) Appeal Process. In no event shall financial relief be awarded, unless the hospital demonstrates to the satisfaction of the Director that the Medicaid rate it receives under the Medicaid prospective payment system is insufficient to ensure Medicaid recipients reasonable access to sufficient inpatient hospital services of adequate quality. In making such demonstration the hospital must meet all of the following criteria:

a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 148, the changes in rule described in this Section will be effective January 18, 1994.

1) The current Medicaid prospective payment rate jeopardizes the long-term financial viability of the hospital. In appropriate cases, financial jeopardy may be shown to exist if, by providing care to Medicaid recipients at the current Medicaid rate, the hospital can demonstrate that it is, in the aggregate, incurring a marginal loss. In appropriate cases, financial jeopardy may be shown to exist if the hospital is incurring a marginal gain but can demonstrate that it has unique and compelling Medicaid costs, which if unreimbursed by Medicaid, would clearly jeopardize the hospital's long-term financial viability.

b) All per diem payments calculated under 89 Ill. Adm. Code 148, except for those described in 89 Ill. Adm. Code 148.120, 148.160, 148.170, 148.175(d) and 148.290(d) 148-290(h)(2)(A) through (h)(2)(G), in effect on January 18, 1994, shall remain in effect until June 30, 1996 June-30-1995.

2) The population served by the hospital seeking financial relief has no reasonable access to other inpatient hospitals.

c) This Section shall be automatically repealed effective June 30, 1996 June-30-1995.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 152.250 Appeals

1) The current Medicaid prospective payment rate jeopardizes the long-term financial viability of the hospital. In appropriate cases, financial jeopardy may be shown to exist if, by providing care to Medicaid recipients at the current Medicaid rate, the hospital can demonstrate that it is, in the aggregate, incurring a marginal loss. In appropriate cases, financial jeopardy may be shown to exist if the hospital is incurring a marginal gain but can demonstrate that it has unique and compelling Medicaid costs, which if unreimbursed by Medicaid, would clearly jeopardize the hospital's long-term financial viability.

a) Right to appeal. Any hospital seeking to appeal its prospective payment rate for operating costs related to inpatient care or other allowable costs must submit a written request to the Department within 30 days after the date of the letter notifying the hospital of its prospective rate. The written request must contain the information as specified in subsection (c) below. The Department shall respond to the hospital's request for additional reimbursement within 30 days or after receipt of any additional documentation requested by the Department, whichever is later. The hospital shall bear the burden of proof throughout the appeal process.

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Reasonable access exists if most individuals served by the hospital seeking financial relief can receive inpatient hospital care within a 30 minute travel time at total cost which is less to the Department than the cost which would be incurred at the hospital seeking financial relief.

3) The ratio of current assets to current liabilities reflected on the cash position statement described in subsection (c)(2) above is less than 1.0.

4) The financial statements described in subsection (c)(3) above must reflect a net loss in each of the two years.

5) The most recent financial statement as described in subsection (c)(3) above must reflect a ratio of current assets to current liabilities of less than 1.3.

e) Financial relief. If the hospital demonstrates adequate financial jeopardy, the Department will determine the amount of the financial relief to be granted. The amount of the financial relief will be dependent upon the individual hospital's needs.

f) Definitions. For purposes of this Section, unless the context requires otherwise:

1) "Current assets" must follow Generally Accepted Accounting Principles, except for this purpose all unrestricted investments must be included as current assets.

2) "Current liabilities" must follow Generally Accepted Accounting Principles, except for this purpose any liabilities due to entities related by ownership or control must not be included as current liabilities.

3) "Marginal loss" is the amount by which total variable costs for each patient day exceeds the Medicaid payment rate. In calculating marginal loss, the hospital shall compute variable costs at 60 percent of total inpatient operating costs and fixed costs at 40 percent of total inpatient operating costs; however, the Director may accept a different ratio of fixed and variable operating costs if a hospital is able to demonstrate that a different ratio is appropriate for its particular institution.

4) "Ratio of current assets to current liabilities" means current assets divided by current liabilities, as defined above.

5) "Unrestricted investments" means funds which have not been restricted by the donors for use only for some purpose other than hospital operations. Also, investments which have been legally restricted against use for hospital operations, such as loan collateral, will be considered to be restricted. Funds restricted by the hospital's board of directors will be considered as unrestricted funds for the purpose of this analysis.

g) This Section shall be automatically repealed effective June 30, 1996
June-30-1995:

(Source: Amended at 19 Ill. Reg. _____, effective

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1) Heading of the Part: Long Term Care Reimbursement Changes

2) Code Citation: 89 Ill. Adm. Code 153

3) Section Numbers: Proposed Action:
153.100 Amendment
153.150 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: The Department of Public Aid is proposing changes to Section 153.100 to maintain rates of reimbursement for long term care services at the levels which have been effective since January 18, 1994. The maintenance of rates will continue through June 30, 1996, and will affect nursing homes, facilities for persons with developmental disabilities, and developmental training facilities. Several exceptions to the rate maintenance provisions are detailed in the rules. These cost containment measures are necessary to permit the Department to continue to purchase long term care services in a prudent and cost effective manner, and to prevent excessive and unnecessary expenditures.

The Department is also proposing amendments to Section 153.150 to continue quality assurance (QA) reviews in nursing facilities until June 30, 1996. The QA process provides a mechanism for reviewing and maintaining the quality of care delivered in Medicaid funded nursing facilities during a period of rate maintenance when Inspections of Care are not necessary for rate setting purposes. The QA process was established in conjunction with the stabilization of reimbursement levels for nursing homes for the period January 18, 1994 through June 30, 1995, to monitor quality of care and the continuance of program delivery necessary for resident services. According to these amendments, the QA process will be continued through June 30, 1996.

These proposed amendments are not expected to result in any budgetary changes.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? Yes. Sections 153.100(1) and 153.150(g) contain an automatic repeal date of June 30, 1996.

8) Do these proposed amendments contain incorporations by reference? No

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9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., E., 3rd Floor, Springfield, Illinois 62762 (Phone: (217) 524-3215). The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Long term care facilities
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: The reasons for this rulemaking are fully described above in the complete description of the subjects and issues involved. This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153

LONG TERM CARE REIMBURSEMENT CHANGES

Section

153.100 Reimbursement for Long Term Care Services
153.150 Quality Assurance Review

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V and VI and 12-13] and implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. III].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for a maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 153.100 Reimbursement for Long Term Care Services

- a) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 140, 144 and 147 for reimbursement of long term care services, effective January 18, 1994, reimbursement rates for long term care facilities (SNF/ICF and ICF/MR) and day training providers will remain at the levels in effect on January 18, 1994, except as otherwise provided in this Section.
- b) The results of Inspection of Care (IOC) surveys for which the exit conference is completed prior to January 18, 1994, will be processed and reflected in facility rates effective with the annual nursing rate adjustment date. The reconsideration process which is provided for in 89 Ill. Adm. Code 147.100 remains in effect for these surveys and other surveys set forth in this Section.
- c) Capital and support rates in effect on January 18, 1994, will be adjusted based on final audits of cost report data in accordance with 89 Ill. Adm. Code 140.582(b) and 140.590.
- d) Capital rates will be increased for major capital improvements in accordance with 89 Ill. Adm. Code 140.560(c) and (e).
- e) New facilities which are assigned median rates in accordance with 89 Ill. Adm. Code 140.560(b) will have rates recalculated based upon receipt of their first cost report and first IOC survey.
- f) Rates may change based upon an interim IOC conducted at the facility's written request for any facility which changed ownership no earlier than 90 days prior to and not later than January 18, 1994. The

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interim IOC request must include justification and documentation which supports one of the criteria set forth in 89 Ill. Adm. Code 147.150(d).

- g) Requests for interim IOCs received through January 18, 1994, will be processed in accordance with 89 Ill. Adm. Code 147.150(d).
- h) Interim IOCs may be conducted, at the facility's written request, if there has been a change in the Medicaid census since the last IOC survey in accordance with 89 Ill. Adm. Code 147.150(d), except that the requirement that the request must be made within 180 days after the last IOC need not be met. The written request must contain documentation supporting the change in Medicaid census.
- i) The Department reserves the right to initiate interim IOC surveys, if necessary, based upon a significant reduction in the level of resident care or for the health and safety concerns of residents.
- j) Any rate adjustments that result from an interim IOC conducted under this Section will have an effective date of the first day of the month following the exit date of the interim IOC.
- k) Requests for IOCs upon which rate determinations are based upon a Medicaid resident being transferred from a State operated developmentally disabled facility to a community setting will be considered on a case-by-case basis.
- l) This Section shall be automatically repealed effective June 30, 1996 ~~June-30-1995~~.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

Section 153.150 Quality Assurance Review

- a) Purpose - Notwithstanding the provisions set forth in 89 Ill. Adm. Code 147 for Inspection of Care (IOC) in nursing facilities, effective July 1, 1994 through June 30, 1996 ~~June-30-1995~~, quality assurance (QA) reviews will be conducted in nursing facilities to verify that programs scored during the last IOC and new programs established for Medicaid residents continue to meet criteria as described in 89 Ill. Adm. Code 147.
- b) Review Process
 - 1) QA reviews will include the following 11 program areas from the IOC:
 - A) Restorative Bathing/Grooming
 - B) Restorative Clothing
 - C) Restorative Eating
 - D) Restorative Mobility
 - E) Restorative Continence
 - F) Psychosocial Mental Status
 - G) Pressure Ulcer Treatment
 - H) Pressure Ulcer Prevention
 - I) Psychotropic Med Reduction

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- J) Passive Range of Motion
 K) Restraint Reduction and Management
- 2) A random 30 percent sample of Medicaid clients residing in a facility will be selected for the review.
- 3) Wherever possible, the sample will only include residents surveyed during the last IOC.
- 4) When there is not a sufficient number of residents in the facility from the last IOC to derive a random 30 percent sample, the sample will be chosen from the entire Medicaid population of the facility.
- 5) No less than ten Medicaid residents will be reviewed, unless fewer than ten Medicaid residents reside in the facility.
- 6) In facilities with a Medicaid census of less than ten, all Medicaid residents will be reviewed.
- 7) Assessments, plans of care and implementation of programs will be reviewed as described in 89 Ill. Adm. Code 147.
- 8) Copies of completed QA modified Form DPA 2700, Illinois Assessment of Need for Care, will be presented to the facility daily.
- 9) Each QA review will be concluded with an exit conference.
- c) Resolution
- 1) There will be no formal negotiation or arbitration.
 - 2) There may be residents who are not receiving the same services now that they were receiving at the last IOC. Resident health status may change over time, either through improvement or deterioration, and the resident may no longer benefit from a program. Consequently, the resolution process will include a provision for scoring discontinued programs where there is documentation to support that the program was discontinued appropriately because the resident could no longer benefit from it. The facility is encouraged to discuss discontinued programs with Department staff and to present any documentation to support its position.
 - 3) Disagreement on any QA review findings that cannot be settled between the facility and QA team will be resolved at the Bureau of Long Term Care (BLTC) regional supervisor level.
- d) Notification of QA Results
- 1) Data gathered during the QA review will be evaluated by the Department.
 - 2) If the results of the QA review indicate the current service level is at least 90 percent of the service level of the last IOC, the facility will pass the QA review and no further action will be taken.
 - 3) To determine whether the 90 percent level has been maintained, the Department will compare the dollar amount calculated from the QA review for the 11 program areas to the reimbursed amount for the same 11 program areas from the latest IOC.
 - 4) If the QA review indicates a reduction of more than ten percent

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- in the earned rate, the following procedures will be implemented:
- A) The facility will be notified, in writing, of the QA findings within 30 days after the QA review exit date.
 - B) Upon request from the facility, consultation will be provided by BLTC field staff to assist the facility with correction of problems.
 - C) A follow-up QA review will be conducted between 90 and 120 days after the first QA exit date.
 - i) The procedure defined in subsection (b)(2) through (b)(6) of this Section will be used to select a 30 percent random sample for the follow-up QA review.
 - ii) Resolution as defined in subsection (c) above is available during the follow-up QA review.
 - D) The facility will be notified, in writing, of the follow-up QA findings within 30 days after the follow-up QA review exit date.
 - E) If the follow-up QA review indicates a reduction after more than ten percent in earned rate from the last IOC, a full IOC on 100 percent of Medicaid residents will be initiated within 45 days after notification of the results from the follow-up QA review.
- e) Rate Adjustments
- 1) In any case where a 100 percent review is performed due to a reduction in services, rates will be recalculated and reduced, if indicated, based upon the full IOC results. The reduced rate will become effective on the first day of the month following the month that the full IOC exit took place.
 - 2) Rates will not be increased based upon IOC results.
- f) The QA review process will be used during the rate maintenance period which ends June 30, 1996 ~~June-30, 1995~~.
- g) This Section shall be automatically repealed effective June 30, 1996 ~~June-30, 1995~~.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers:
- | | |
|--------|-----------|
| 140.80 | Amendment |
| 140.82 | Amendment |
| 140.84 | Amendment |
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: The Department of Public Aid is proposing changes to the rules pertaining to provider assessments for hospitals, long term care facilities for persons with developmental disabilities, and nursing homes. These changes are designed to extend the provider assessment programs beyond June 30, 1995. This proposed rulemaking responds to the Governor's initiative which is intended to enable Illinois to continue to maximize federal financing benefits to hospitals, long term care facilities and nursing homes, and thereby ensure the continuance of necessary care and services.
- In fiscal year 1995, the provider assessment programs generated approximately \$699.7 million in spending (\$355.4 million in assessments and \$344.3 million in federal matching funds). These proposed amendments will have a significant budgetary impact upon the Department, because if the assessment programs conclude on June 30, 1995, the expected loss of revenue for fiscal year 1996 is estimated at approximately \$738.8 million (\$380.7 million in assessments and \$358.1 million in federal matching funds).
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

| Sections | Proposed Action | Illinois Register Citation |
|----------|-----------------|----------------------------|
|----------|-----------------|----------------------------|

| | | |
|--------|-----------|-------------------------------------|
| 140.11 | Amendment | January 13, 1995 (19 Ill. Reg. 165) |
| 140.12 | Amendment | January 13, 1995 (19 Ill. Reg. 165) |
| 140.80 | Amendment | March 17, 1995 (19 Ill. Reg. 3248) |
| 140.82 | Amendment | March 17, 1995 (19 Ill. Reg. 3248) |
| 140.84 | Amendment | March 17, 1995 (19 Ill. Reg. 3248) |

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- 140.400 Amendment February 10, 1995 (19 Ill. Reg. 1200)
- 140.413 Amendment July 8, 1994 (18 Ill. Reg. 10637)
- 140.435 Amendment February 10, 1995 (19 Ill. Reg. 1200)
- 140.523 Amendment January 13, 1995 (19 Ill. Reg. 165)
- 140.645 Amendment December 16, 1994 (18 Ill. Reg. 17865)
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762 (Phone: (217) 524-3215). The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].
- These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Hospitals, long term care facilities for persons with developmental disabilities, and nursing homes
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: The reasons for this rulemaking are fully described above in the complete description of the subjects and issues involved. This rulemaking was not anticipated by the Department

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when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify as Mandatory Categorically Needy and Disabled Persons Under Age 21 Who May Qualify for Medicaid and In-Home Care (Model Waiver)
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under GA
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

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140.22 Magnetic Tape Billings
 140.23 Payment of Claims
 140.24 Payment Procedures
 140.25 Overpayment or Underpayment of Claims
 140.26 Payment to Factors Prohibited
 140.27 Assignment of Vendor Payments
 140.28 Record Requirements for Medical Providers
 140.30 Audits
 140.31 Emergency Services Audits
 140.32 Prohibition on Participation, and Special Permission for Participation
 140.33 Publication of List of Terminated, Suspended or Barred Entities
 140.35 False Reporting and Other Fraudulent Activities
 140.40 Prior Approval for Medical Services or Items
 140.41 Prior Approval in Cases of Emergency
 140.42 Limitation on Prior Approval
 140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
 140.72 Voucher Advance Payment and Expedited Payments
 140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section
 140.80 Hospital Provider Fund
 140.82 Developmentally Disabled Care Provider Fund
 140.84 Long Term Care Provider Fund
 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust
 Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
 140.95 Hospital Services Trust Fund
 140.96 General Requirements (Recodified)
 140.97 Special Requirements (Recodified)
 140.98 Covered Hospital Services (Recodified)
 140.99 Hospital Services Not Covered (Recodified)
 140.100 Limitation on Hospital Services (Recodified)
 140.101 Transplants (Recodified)
 140.102 Heart Transplants (Recodified)
 140.103 Liver Transplants (Recodified)
 140.104 Bone Marrow Transplants (Recodified)
 140.110 Disproportionate Share Hospital Adjustments (Recodified)
 140.116 Payment for Inpatient Services for GA (Recodified)
 140.117 Hospital Outpatient and Clinic Services (Recodified)
 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
 140.203 Limits on Length of Stay by Diagnosis (Recodified)

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140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
 140.350 Copayments (Recodified)
 140.360 Payment Methodology (Recodified)
 140.361 Non-Participating Hospitals (Recodified)
 140.362 Pre July 1, 1989 Services (Recodified)
 140.363 Post June 30, 1989 Services (Recodified)
 140.364 Prepayment Review (Recodified)
 140.365 Base Year Costs (Recodified)
 140.366 Restructuring Adjustment (Recodified)
 140.367 Inflation Adjustment (Recodified)
 140.368 Volume Adjustment (Repealed)
 140.369 Groupings (Recodified)
 140.370 Rate Calculation (Recodified)
 140.371 Payment (Recodified)
 140.372 Review Procedure (Recodified)
 140.373 Utilization (Repealed)
 140.374 Alternatives (Recodified)
 140.375 Exemptions (Recodified)
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.391 Definitions (Recodified)
 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
 140.403 Payment to Practitioners, Nurses and Laboratories
 140.410 Physicians' Services
 140.411 Covered Services By Physicians
 140.412 Services Not Covered By Physicians
 140.413 Limitation on Physician Services
 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
 140.416 Optometric Services and Materials
 140.417 Limitations on Optometric Services
 140.418 Department of Corrections Laboratory
 140.420 Dental Services
 140.421 Limitations on Dental Services
 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
 140.425 Podiatry Services

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| | | |
|---------|---|----------|
| 140.426 | Limitations on Podiatry Services | |
| 140.427 | Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry | Pharmacy |
| 140.428 | Chiropractic Services | |
| 140.429 | Limitations on Chiropractic Services (Repealed) | |
| 140.430 | Independent Laboratory Services | |
| 140.431 | Services Not Covered by Independent Laboratory | |
| 140.432 | Limitations on Independent Laboratory Services | |
| 140.433 | Payment for Laboratory Services | |
| 140.434 | Record Requirements for Independent Laboratories | |
| 140.435 | Nurse Services | |
| 140.436 | Limitations on Nurse Services | |
| 140.440 | Pharmacy Services | |
| 140.441 | Pharmacy Services Not Covered | |
| 140.442 | Prior Approval of Prescriptions | |
| 140.443 | Filling of Prescriptions | |
| 140.444 | Compounded Prescriptions | |
| 140.445 | Prescription Items (Not Compounded) | |
| 140.446 | Over-the-Counter Items | |
| 140.447 | Reimbursement | |
| 140.448 | Returned Pharmacy Items | |
| 140.449 | Payment of Pharmacy Items | |
| 140.450 | Record Requirements for Pharmacies | |
| 140.452 | Mental Health Clinic Services | |
| 140.453 | Definitions | |
| 140.454 | Types of Mental Health Clinic Services | |
| 140.455 | Payment for Mental Health Clinic Services | |
| 140.456 | Hearings | |
| 140.457 | Therapy Services | |
| 140.458 | Prior Approval for Therapy Services | |
| 140.459 | Payment for Therapy Services | |
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1993, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V, VI, VII, and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12869, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24,

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1984; preemptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2997, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246,

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effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.914 and 140.916 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.205 and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12942, effective July 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a

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maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201,

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effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18132, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; emergency amendment suspended, effective November 15, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. _____, effective _____.

SUBPART C: PROVIDER PARTICIPATION FEES

Section 140.80 Hospital Provider Fund

a) Purpose and Contents

- 1) The Hospital Provider Fund ("Fund") was created in the State Treasury upon enactment of Public Act 87-861 and Public Act 88-88. Interest earned by the Fund shall be credited to the Fund. The Fund shall not be used to replace any funds appropriated to the Medicaid program by the General Assembly.
- 2) The Fund is created for the purpose of receiving and disbursing monies in accordance with this Section and Public Act 87-861, as amended by Public Act 88-88.
- 3) The Fund shall consist of:

- A) All monies collected or received by the Department under subsection (b) below;
 - B) All federal matching funds received by the Department as a result of expenditures made by the Department that are attributable to monies deposited in the Fund;
 - C) Any interest or penalty levied in conjunction with the administration of the Fund;
 - D) All other monies received for the Fund from any other source, including interest earned thereon;
 - E) All monies transferred from the Hospital Services Trust Fund; and
 - F) All monies transferred from the Tobacco Products Tax Act.
- b) Provider Assessments
- Effective July 1, 1994 Beginning on July 1, 1993, and ending on June

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307-1994, an assessment is imposed upon each hospital provider in an amount equal to 1.88% of the provider's adjusted gross hospital revenue, as described in subsection (1)(1) of this Section, for the most recent calendar year ending before the beginning of that State fiscal year. ~~---An assessment is imposed upon each hospital provider for the fiscal year beginning on July 1, 1994, and ending on June 30, 1995, in an amount equal to the provider's adjusted gross hospital revenue, as described in subsection (1)(1) of this Section, for the most recent calendar year ending before the beginning of that State fiscal year multiplied by the Provider's Savings Rate, as described in subsection (1)(10) of this Section. The Department reserves the right to audit the reported data. The Department shall notify hospital providers of the Provider's Savings Rate by mailing a notice to each provider's last known address as reflected by the records of the Department.~~

c) Payment of Assessment Due

1) The assessments imposed in subsection (b) above shall be due and payable in quarterly installments, each equalling one-fourth of the assessment for the year, on September 30, December 31, March 31, and May 31 of the year. Assessment payments postmarked on the due date will be considered as paid on time.

2) All payments received by the Department shall be credited first to unpaid installment amounts (rather than to penalty or interest), beginning with the most delinquent installments.

d) Reporting Requirements, Penalty, and Maintenance of Records

1) After December 31 of each year, and on or before March 31 of the succeeding year, every hospital provider subject to an assessment under subsection (b) above shall file a report with the Department. The report shall be on a form prepared by the Department. The report shall include the adjusted gross hospital revenue from the calendar year just ended and shall be utilized by the Department to calculate the assessment for the State fiscal year commencing on the next July 1. If a hospital provider conducts, operates, or maintains more than one hospital licensed by the Illinois Department of Public Health, a separate report shall be filed for each hospital. In the case of a hospital provider existing as a corporation or legal entity other than an individual, the report filed by it shall be signed by its president, vice-president, secretary, or treasurer or by its properly authorized agent.

2) If the hospital provider fails to file its report for a State fiscal year on or before the due date of the report, there shall be, unless waived by the Department for reasonable cause, added to the assessment imposed in subsection (b) above a penalty assessment equal to 2% of the assessment imposed for the year.

3) Every hospital provider subject to an assessment under subsection (b) above shall keep records and books that will permit the determination of adjusted gross hospital revenue on a calendar

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year basis. All such books and records shall be maintained for a minimum of three years following the filing date of the assessment report and shall, at all times during business hours of the day, be subject to inspection by the Department or its duly authorized agents and employees.

4) Amended Assessment Reports. With the exception of amended assessment reports filed in accordance with subsections (d)(5) or (6) below, an amended assessment report must be filed within 30 calendar days of the original report due date. The amended report must be accompanied by a letter identifying the changes and the justification for the amended report. The provider will be advised of any adjustments to the original annual assessment amount through written notification from the Department. Penalties may be applied to the amount underpaid due to a filing error.

5) Submission of Financial Audit Statements. All hospital providers are required to submit a copy of all financial statements audited by an external, independent auditor, to the Department within 30 days after the close of such externally performed financial audits. If the hospital's year end does not coincide with the December 31 ending date for the assessment report, the hospital must submit all financial audits covering the assessment report period. An amended assessment report must accompany such external financial audit statements if the data submitted on the initial assessment report changes based upon the findings of such external financial audits and as indicated in the audited external financial statements. Penalties may be applied to the amount underpaid due to a filing error.

6) Reconsideration of Adjusted Assessment. If the Department, through an audit conducted by the Department or its agent within three years after the end of the fiscal year in which the assessment was due, changes the assessment liability of a hospital provider, the hospital provider may request a review or reconsideration of the adjusted assessment within 30 days after the Department's notification of the change in assessment liability. Requests for reconsideration of the assessment adjustment shall not be considered if such requests are not postmarked on or before the end of the 30 day review period. Penalties may be applied to the amount underpaid due to a filing error.

e) Procedure for Partial Year Reporting, Operating Adjustments

1) Cessation of business during the fiscal year in which the assessment is being paid. If a hospital provider ceases to conduct, operate, or maintain a hospital for which the person is subject to assessment under subsection (b) above, the assessment for the State fiscal year in which the cessation occurs shall be adjusted by multiplying the assessment computed under subsection (d) by a fraction, the numerator of which is the number of days

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in the year during which the provider conducts, operates, or maintains the hospital and the denominator of which is 365. The person shall file a final, amended report with the Department not more than 30 calendar days after the cessation, reflecting the adjustment, and shall pay with the final return the assessment for the year as so adjusted, to the extent not previously paid.

2) Commencing of business during the fiscal year in which the assessment is being paid. A hospital provider who commences conducting, operating, or maintaining a hospital for which the person is subject to assessment under subsection (b) above, shall file an initial report for the State fiscal year in which the commencement occurs within 30 calendar days thereafter and shall pay the assessment under subsection (d) above as computed by the Department in equal installments on the due date of the initial assessment determination and on the regular installment due dates for the State fiscal year occurring after the due date of the initial assessment determination. In determining the annual assessment amount for the provider the Department shall develop hypothetical annualized revenue projections based upon geographic location, facility size and patient case mix. The assessment determination made by the Department is final.

3) Partial Calendar Year Operation Adjustment. For a hospital provider that did not conduct, operate, or maintain a hospital throughout the entire calendar year reporting period, the assessment for the following State fiscal year shall be annualized based on the provider's actual revenues for the portion of the reporting period the hospital was operational (dividing adjusted gross hospital revenue by the number of days the hospital was in operation and then multiplying the amount by 365). Revenues realized by a prior provider from the same hospital during the calendar year shall be used in the annualization equation, if available.

4) Change in Ownership and/or Operations. The full quarterly assessment must be paid on the designated due dates regardless of changes in ownership or operators. Liability for the payment of the assessment amount (including past due assessments and any interest or penalties that may have accrued against the amount) rest on the hospital provider currently operating or maintaining the hospital regardless if these amounts were incurred by the current owner or were incurred by previous owners. Collection of delinquent assessment fees from previous providers will be made against the current provider. Failure of the current provider to pay any outstanding assessment liability incurred by previous providers shall result in the application of penalties described in subsection (f)(1) of this Section.

f) Penalties

1) Any hospital that fails to pay the full amount of an installment when due shall be charged, unless waived by the Department for

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reasonable cause, a penalty equal to 5% of the amount of the installment not paid on or before the due date, plus 5% of the portion thereof remaining unpaid on the last day of each month thereafter, not to exceed 100% of the installment amount not paid on or before the due date.

2) Within 45 days from the due date, the Department may begin recovery actions against delinquent hospitals participating in the Medicaid Program. Payments may be withheld from the hospital until the entire assessment, including any penalties, is satisfied or until a reasonable repayment schedule has been approved by the Department. If a reasonable agreement cannot be reached or if a hospital fails to comply with an agreement, the Department reserves the right to recover any outstanding provider assessment, interest and penalty by recouping the amount or a portion thereof from the hospital's future payments from the Department. The provider may appeal this recoupment in accordance with Department rules contained in 89 Ill. Adm. Code 104. The Department has the right to continue recoupment during the appeal process. Penalties pursuant to subsection (f)(1) above will continue to accrue during the recoupment process. Recoupment proceedings against the same hospital two times in a fiscal year may be cause for termination from the Program. Failure by the Department to initiate recoupment activities within 45 days shall not reduce the provider's liabilities nor shall it preclude the Department from taking action at a later date.

3) If the hospital does not participate in the Medicaid Program, or is no longer doing business with the Department, or the Department cannot recover the full amount due through the claims processing system, within three months after the fee due date, the Department may begin legal action to recover the monies, including penalties and interest owed, plus court costs.

g) Delayed Payment - Groups of Hospitals

The Director may establish delayed payment of assessments and/or waive the payment of interest and penalties for groups of hospitals such as disproportionate share hospitals or all other hospitals when:

1) the State delays payments to hospitals due to problems related to State cash flow, or
2) a cash flow bond pool's, or any other group financing plans', requests from providers for loans are in excess of its scheduled proceeds such that a significant number of hospitals will be unable to obtain a loan to pay the assessment.

h) Delayed Payment - Individual Hospitals

In addition to the provisions of subsection (g) above, the Director may delay assessments for individual hospitals that are unable to make timely payments under this Section due to financial difficulties. No delayed payment arrangements shall extend beyond the last business day of the calendar quarter following the quarter in which the assessment

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was to have been received by the Department as described in subsection (c) above.

- 1) Criteria. Delayed payment provisions may be instituted only under extraordinary circumstances. Delayed payment provisions may be made only to qualified hospitals who meet all of the following requirements:

A) the provider has experienced an emergency which necessitates institution of delayed payment provisions. Emergency under this instance is defined as a circumstance under which institution of the payment and penalty provisions described in subsections (c)(1), (c)(2), (f)(1) and (f)(2) above would impose severe and irreparable harm to the clients served. Circumstances which may create such emergencies include, but are not limited to, the following:

- i) Department system errors (either automated system or clerical) which have precluded payments, or which have caused erroneous payments such that the provider's ability to provide further services to clients is severely impaired;
- ii) cash flow problems encountered by a provider which are unrelated to Department technical system problems and which result in extensive financial problems to a facility, adversely impacting on its ability to serve its clients.

B) the provider serves a significant number of clients under the medical assistance program. "Significant" in this instance means:

- i) a hospital that serves a significant number of clients under the medical assistance program; significant in this instance means that the hospital qualifies as a disproportionate share hospital under 89 Ill. Adm. Code 148.120(a)(1) through 148.120(a)(5); or qualifies as a Medicare DSH hospital under the current federal guidelines.
- ii) a government-owned facility, which meets the cash flow criterion under subsection (h)(1)(A)(ii) above.
- iii) a hospital which has filed for Chapter 11 bankruptcy, which meets the cash flow criterion under subsection (h)(1)(A)(i) above.

C) the provider must file a delay of payment request as defined under subsection (h)(3)(A) below, and the request must include a Cash Position Statement which is based upon current assets, current liabilities and other data for a date which is less than 60 days prior to the date of filing. Any liabilities payable to owners or related parties must not be reported as current liabilities on the Cash Position Statement. A deferral of assessment payments will be denied if any of the following criteria are met:

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- i) the ratio of current assets divided by current liabilities is greater than 2.0.
- ii) cash, short term investments and long term investments equal or exceed the total of accrued wages payable and the assessment payment. Long term investments which are unavailable for expenditure for current operations due to donor restrictions or contractual requirements will not be used in this calculation.

D) the provider must show evidence of denial of an application to borrow assessment funds through a cash flow bond pool or financial institution such as a commercial bank. The denial must be 90 days old or less.

E) the provider must sign an agreement with the Department which specifies the terms and conditions of the delayed payment provisions. The agreement shall contain the following provisions:

- i) specific reason(s) for institution of the delayed payment provisions;
- ii) specific dates on which payments must be received and the amount of payment which must be received on each specific date described;
- iii) the interest or a statement of interest waiver as described in subsection (h)(5) that shall be due from the provider as a result of institution of the delayed payment provisions;
- iv) a certification stating that, should the entity be sold, the new owners will be made aware of the liability and any agreement selling the entity will include provisions that the new owners will assume responsibility for repaying the debt to the Department according to the original agreement; and
- v) a certification stating that all information submitted to the Department in support of the delayed payment request is true and accurate to the best of the signature's knowledge; and
- vi) such other terms and conditions that may be required by the Department. If 2) A hospital which does not meet the above criteria may request a delayed payment schedule and/or the waiver of interest and penalties. The Director may approve the request, notwithstanding the hospital not meeting the above criteria, upon a sufficient showing of financial difficulties and good cause by the hospital. If the request for a delayed payment schedule and/or waiver of interest and penalties is approved, all other conditions of this subsection (h) shall apply.

3) Approval Process

- A) In order to receive consideration for delayed payment

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provisions, providers must submit their request in writing (telex requests are acceptable) to the Bureau of Program and Reimbursement Analysis. The request must be received as follows: delayed payment requests for installments due on September 30 of the year must be received on or before September 10 of the year; delayed payment requests for installments due on December 31 of the year must be received on or before December 10 of the year; delayed payment requests for installments due on March 31 of the year must be received on or before March 11 of the year; and delayed payment requests for installments due on May 31 of the year must be received on or before May 10 of the year. Requests must be complete and contain all required information before they are considered to have met the time requirements for filing a delayed payment request. All telex requests must be followed up with original written requests, postmarked no later than the date of the telex. The request must include:

- i) an explanation of the circumstances creating the need for the delayed payment provisions;
- ii) supportive documentation to substantiate the emergency nature of the request including a cash position statement as defined in subsection (h)(1)(C) of this Section, a denial of application to borrow the assessment as defined in subsection (h)(1)(D) of this Section and an explanation of the risk of irreparable harm to the clients; and
- iii) specification of the specific arrangements requested by the provider.

B) The hospital shall be notified by the Department, in writing prior to the assessment due date, of the Department's decision with regard to the request for institution of delayed payment provisions. An agreement shall be issued to the provider for all approved requests. The agreement must be signed by the administrator, owner, chief executive officer or other authorized representative and be received by the Department prior to the first scheduled payment date listed in such agreement.

4) Waiver of Penalties. The penalties described in subsections (f)(1) and (f)(2) of this Section may be waived upon approval of the provider's request for institution of delayed payment provisions. In the event a provider's request for institution of delayed payment provisions is approved and the Department has received the signed agreement in accordance with subsection (h)(3)(B) above, such penalties shall be permanently waived for the subject quarter unless the provider fails to meet all of the terms and conditions of the agreement. In the event the provider fails to meet all of the terms and conditions of the agreement,

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the agreement shall be considered null and void and such penalties shall be fully reinstated.

5) Interest. The delayed payments shall include interest at a rate not to exceed the State of Illinois borrowing rate. The applicable interest rate shall be identified in the agreement described in subsection (h)(1)(E) above. The interest may be waived by the Director if the facility's current ratio, as described in subsection (h)(1)(C) above, is 1.5 or less and the hospital meets the criteria in subsections (h)(1)(A) and (B) above. Any such waivers granted shall be expressly identified in the agreement described in subsection (h)(1)(E) above.

6) Subsequent Delayed Payment Arrangements. Once a provider has requested and received approval for delayed payment arrangements, the provider shall not receive approval for subsequent delayed payment arrangements until such time as the terms and conditions of any current delayed payment agreement have been satisfied or unless the provider is in full compliance with the terms of the current delayed payment agreement. The waiver of penalties described in subsection (h)(4) shall not apply to a provider that has not satisfied the terms and conditions of any current delayed payment agreement.

i) Administration and Enforcement Provisions
Pursuant to Section 5A-7 of P.A. 86-861, to the extent practicable, the Department shall administer and enforce P.A. 86-861, as amended by P.A. 88-88, and collect the assessments, interest, and penalty assessments imposed under the law, using procedures employed in its administration of this Code generally and, as it deems appropriate, in a manner similar to that in which the Department of Revenue administers and collects the retailers' occupation tax under the Retailers' Occupation Tax Act ("ROTA").

j) Exemptions

1) A rural hospital, as defined in subsection (1)(11) below, shall be exempt from the assessment imposed under subsection (b), unless the exemption is a judgment to be unconstitutional or otherwise invalid, in which case the provider shall pay the assessment imposed under subsection (b) above.

2) A hospital provider which is a county with a population of more than 3,000,000 that makes intergovernmental transfer payments as provided in Section 15-3 of P.A. 87-861, as amended by P.A. 88-85 and P.A. 88-88, shall be exempt from the assessment imposed by subsection (b) above, unless the exemption is adjudged to be unconstitutional or otherwise invalid, in which case the hospital shall pay the assessment imposed by subsection (b) above for all assessment periods beginning on or after July 1, 1992, and the assessment so paid shall be creditable against the intergovernmental transfer payments.

3) The Department is authorized to enter into an interagency agreement with a hospital organized under the University of

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Illinois Hospital Act exempt from the assessment imposed under subsection (b) of this Section, to make intergovernmental transfer payments to the Department. These payments shall be deposited into the General Revenue Fund.

- 4) The Department is also authorized to enter into agreements with publicly owned or operated hospitals not described in subsections (j)(1) through (j)(3) above to make intergovernmental transfer payments to the Department. These payments shall be deposited into the Hospital Provider Fund.

- k) Nothing in P.A. 88-88 shall be construed to prevent the Department from collecting all amounts due under this Section pursuant to an assessment imposed before the effective date of P.A. 88-88.

1) Definitions

As used in this Section, unless the context requires otherwise:

- 1) "Adjusted gross hospital revenue" means the hospital provider's total gross patient charges less Medicare contractual allowances, but does not include gross patient revenue (and the portion of any Medicare contractual allowance related thereto) from skilled or intermediate long-term care services within the meaning of Title XVIII or XIX of the Social Security Act. Revenue generated from swing beds, as described in subsection (1)(12) below, is considered to be part of the provider's gross hospital revenue. Revenue not related to patient care, such as investment income, gift shop, cafeteria, or parking lot revenue, is not considered as patient revenue. Adjusted gross hospital revenue must be reported on an accrual basis for the assessment reporting period. All patient revenue accrued during the assessment reporting period must be included even though reimbursement may occur after the assessment reporting period. Patient revenue must be reported on a basis that is consistent with methods used on the hospital's last two cost reports.

- 2) "Cigarette Tax Contribution" is the sum of the total amount deposited in the Hospital Provider Fund in the previous State fiscal year 1994 pursuant to Section 2(a) of the Cigarette Tax Act, plus the total amount deposited in the Hospital Provider Fund in the previous State fiscal year 1994 pursuant to Section SA-3(c) of Public Act 88-88.

- 3) "Department" means the Illinois Department of Public Aid.

- 4) "Fund" means the Hospital Provider Fund.

- 5) "Hospital" means an institution, place, building, or agency located in this State that is subject to licensure by the Illinois Department of Public Health under the Hospital Licensing Act, whether public or private and whether organized for profit or not-for-profit.

- 6) "Hospital provider" means a person licensed by the Department of Public Health to conduct, operate, or maintain a hospital, regardless of whether the person is a Medicaid provider. For purposes of this definition, "person" means any political

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subdivision of the State, municipal corporation, individual, firm, partnership, corporation, company, limited liability company, association, joint stock association, or trust, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

- 7) "Intergovernmental transfer payment" means the payments established under Section 15-3 of P.A. 87-861, as amended by P.A. 88-85 and P.A. 88-88, and includes without limitation payments payable under that Section for July, August and September of 1992.

- 8) "Maximum Section 5A-2 Contribution" is the total amount of tax imposed by Section 5A-2 of Public Act 88-88 in the previous State fiscal year 1994 on providers subject to the assessment imposed by subsection (b) above; multiplied by a fraction the numerator of which is adjusted gross hospital revenues reported to the Department by providers subject to the assessment imposed by subsection (b) for the previous State fiscal year 1994 and the denominator of which is adjusted gross hospital revenues reported to the Department by providers subject to the assessment imposed by subsection (b) for State fiscal year 1994 immediately preceding the previous State fiscal year 1994.

- 9) "Medicare Contractual Allowance" means the difference between charges at established rates and the amount estimated to be paid by Medicare, as appropriate, pursuant to agreements between the hospital and the Health Care Financing Administration.

- 10) "Provider's Savings Rate" is 1.88% multiplied by a fraction, the numerator of which is the Maximum Section 5A-2 Contribution minus the Cigarette Tax Contribution, and the denominator of which is the Maximum Section 5A-2 Contribution.

- 11) "Rural hospital" means a hospital that is:

- A) ~~either~~ located outside a metropolitan statistical area; ~~or~~

- B) located 15 miles or less from a county that is outside a metropolitan statistical area and that is licensed to perform medical/surgical or obstetrical services and had ~~had~~ a combined approved total bed capacity of 75 or fewer beds in these two service categories as of the effective date of P.A. 88-88 (July 14, 1993), as determined by the Illinois Department of Public Health; ~~Or~~

- C) ~~qualified as a rural hospital according to subsection (1)(11)(A) or (B) above, on July 14, 1993.~~

- 12) The Illinois Department of Public Health ~~must have been notified~~ in writing of any changes to a facility's bed count on or before the effective date of P.A. 88-88 (July 14, 1993). Appeals of the geographic designation of hospital provider shall be in accordance with 89 Ill. Adm. Code 148.310(m).

- 13) "Swing-beds" means those beds for which a hospital provider has been granted an approval from the Federal Health Care

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Financing Administration to provide post-hospital extended care services (42 CFR 409.30, October 1, 1991) and be reimbursed as a swing-bed hospital (42 CFR 413.114, October 1, 1991).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 140.82 Developmentally Disabled Care Provider Fund

a) Purpose and Contents

1) The Developmentally Disabled Care Provider Fund was created in the State Treasury upon enactment of Public Act 87-861 and Public Act 88-88. Interest earned by the Fund shall be credited to the Fund. The Fund shall not be used to replace any funds appropriated to the Medicaid program by the General Assembly.

2) The Fund is created for the purpose of receiving and disbursing monies in accordance with this Section and Public Act 87-861, as amended by Public Act 88-88.

3) The Fund shall consist of:

- A) All monies collected or received by the Department under subsection (b) below;
- B) All federal matching funds received by the Department as a result of expenditures made by the Department that are attributable to monies deposited in the Fund;
- C) Any interest or penalty levied in conjunction with the administration of the Fund;
- D) All other monies received for the Fund from any other source, including interest earned thereon; and
- E) All monies transferred from the Medicaid Developmentally Disabled Provider Participation Fee Trust Fund.

b) Provider Assessments

~~Beginning on July 17, 1993, an~~ An assessment is imposed upon each developmentally disabled care provider ~~for the State fiscal year beginning on July 17, 1993, and ending on June 30, 1995~~ in an amount equal to six percent of its adjusted gross developmentally disabled care revenue for the prior State fiscal year. ~~Adjusted gross developmentally disabled care revenue for the fiscal year beginning on July 17, 1993, will be based on the provider's annualized State fiscal year 1993 revenue. Adjusted gross developmentally disabled care revenue for the fiscal year beginning on July 17, 1994, will be based upon the provider's annualized State fiscal year 1994 revenue.~~ The revenue for each year will be reported on the Developmentally Disabled Care Provider Tax form to be filed by a date designated by the Department. The Department reserves the right to audit the reported data.

c) Payment of Assessment Due

- 1) The assessment described in subsection (b) above shall be due and payable in quarterly installments, each equalling one-fourth of

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the assessment for the year, on September 30, December 31, March 31, and May 31 of the year. Assessment payments postmarked on the due date will be considered paid on time.

- 2) All payments received by the Department shall be credited first to unpaid installment amounts (rather than to penalty or interest), beginning with the most delinquent installments.

d) Reporting Requirements, Penalty, and Maintenance of Records

- 1) After June 30 of each State fiscal year, and on or before September 30 of the succeeding State fiscal year, every developmentally disabled care provider subject to an assessment under subsection (b) above shall file a report with the Department. The report shall be on a form prepared by the Department. The report shall include the adjusted gross developmentally disabled care revenue from the State fiscal year just ended and shall be utilized by the Department to calculate the assessment for the State fiscal year commencing on the preceding July 1. If a developmentally disabled care provider operates or maintains more than one developmentally disabled care facility, a separate report shall be filed for each facility. In the case of a developmentally disabled care provider existing as a corporation or legal entity other than an individual, the report filed by it shall be signed by its president, vice-president, secretary, or treasurer or by its properly authorized agent.

- 2) If the developmentally disabled care provider fails to file its report for a State fiscal year on or before the due date of the report, there shall be, unless waived by the Department for reasonable cause, added to the assessment imposed in subsection (b) above a penalty assessment equal to 25% of the assessment imposed for the year.

- 3) Every developmentally disabled care provider subject to an assessment under subsection (b) above shall keep records and books that will permit the determination of adjusted gross developmentally disabled care revenue on a State fiscal year basis. All such books and records shall be maintained for a minimum of three years following the filing date of the assessment report and shall, at all times during business hours of the day, be subject to inspection by the Department or its duly authorized agents and employees.

- 4) Amended Assessment Reports. With the exception of amended assessment reports filed in accordance with subsection (d)(5) or (6) below, an amended assessment report must be filed within 30 calendar days after the original report due date. The amended report must be accompanied by a letter identifying the changes and the justification for the amended report. The provider will be advised of any adjustments to the original annual assessment amount through a written notification from the Department. Penalties may be applied to the amount underpaid due to a filing

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error.

5) Submission of Financial Audit Statements. All developmentally disabled care providers are required to submit a copy of all financial statements audited by an external, independent auditor to the Department within 30 days of the close of such externally performed financial audits. If the provider's year end does not coincide with the June 30th ending date for the assessment report, the provider must submit all financial audits covering the assessment report period. An amended assessment report must accompany such external financial audit statements if the data submitted on the initial assessment report changes based upon the findings of such external financial audits and as indicated in the audited external financial statements. Penalties may be applied to the amount underpaid due to a filing error.

6) Reconsideration of Adjusted Assessment. If the Department, through an audit conducted by the Department or its agent within three years after the end of the fiscal year in which the assessment was due, changes the assessment liability of a developmentally disabled care provider, the developmentally disabled care provider may request a review or reconsideration of the adjusted assessment within 30 days of the Department's notification of the change in assessment liability. Requests for reconsideration of the assessment adjustment shall not be considered if such requests are not postmarked on or before the end of the 30 day review period. Penalties may be applied to the amount underpaid due to a filing error.

e) Procedure for Partial Year Reporting/Operating Adjustments

1) Cessation of business during the fiscal year in which the assessment is being paid. For a developmentally disabled care provider who ceases to conduct, operate, or maintain a facility to which the person is subject to assessment under subsection (b) above, the assessment for the State fiscal year in which the cessation occurs shall be adjusted by multiplying the assessment computed under subsection (d) by a fraction, the numerator of which is the number of days in the year during which the provider conducts, operates, or maintains the facility and the denominator of which is 365. The person shall file a final, amended report with the Department not more than 30 calendar days after the cessation, reflecting the adjustment, and shall pay with the final report the assessment for the year as so adjusted, to the extent not previously paid.

2) Commencing of business during the fiscal year in which the assessment is being paid. A developmentally disabled care provider who commences conducting, operating, or maintaining a facility of which the person is subject to assessment under subsection (b) above, shall file an initial return for the State fiscal year in which the commencement occurs within 30 calendar days thereafter and shall pay the assessment under subsection (d)

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above as computed by the Department in equal installments on the due date of the initial assessment determination and on the regular installment due dates for the State fiscal year occurring after the due date of the initial assessment determination. In determining the annual assessment amount for the provider the Department shall develop hypothetical annualized revenue projections based upon geographic location, facility size and patient case mix. The assessment determination made by the Department is final.

3) Partial Fiscal Year Operation Adjustment. For a developmentally disabled care provider that did not conduct, operate, or maintain a facility throughout the entire fiscal year reporting period, the assessment for the following State fiscal year shall be annualized based on the provider's actual developmentally disabled care revenue for the portion of the reporting period the facility was operational (dividing adjusted developmentally disabled care revenue by the number of days the facility was in operation and then multiplying that amount by 365). Developmentally disabled care revenue realized by a prior provider from the same facility during the fiscal year shall be used in the annualization equation, if available.

4) Changes in Ownership and/or Operators. The full quarterly assessment must be paid on the designated due dates regardless of changes in ownership or operators. Liability for the payment of the assessment amount (including past due assessments and any interest or penalties that may have accrued against the amount rests on the developmentally disabled care provider currently operating or maintaining the developmentally disabled care facility regardless if these amount were incurred by the current owner or were incurred by previous owners. Collection of delinquent assessment fees from previous providers will be made against the current provider. Failure of the current provider to pay any outstanding assessment liabilities incurred by previous providers shall result in the application of penalties described in subsection (f)(1) of this Section.

F) Penalties

1) Any facility that fails to pay the full amount of an installment when due shall be charged, unless waived by the Department for reasonable cause, a penalty equal to 5% of the amount of the installment not paid on or before the due date, plus 5% of the portion thereof remaining unpaid on the last day of each month thereafter, not to exceed 100% of the installment amount not paid on or before the due date.

2) Within 45 days from the due date, the Department may begin recovery actions against delinquent facilities participating in the Medicaid program. Payments may be withheld from the facility until the entire assessment, including any penalties, is satisfied, or until a reasonable repayment schedule has been

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approved by the Department. If a reasonable agreement cannot be reached, or if the facility fails to comply with an agreement the Department reserves the right to recover any outstanding provider assessment, interest and penalty by recouping the amount or a portion thereof from the provider's future payments from the Department. The provider may appeal this recoupment in accordance with Department rules contained in 89 Ill. Adm. Code 104. The Department has the right to continue recoupment during the appeal process. Penalties pursuant to subsection (f)(1) above will continue to accrue during the recoupment process. Recoupment proceedings against the same facility two times in a fiscal year may be cause for termination from the Program. Failure by the Department to initiate recoupment activities within 45 days shall not reduce the provider's liabilities nor shall it preclude the Department from taking action at a later date.

- 3) If the facility does not participate in the Medicaid Program, or is no longer doing business with the Department, or the Department cannot recover the full amount due through the claims processing system, within three months of the assessment due date, the Department may begin legal action to recover the monies, including penalties and interest owed, plus court costs.

g)

Delayed Payment - Groups of Facilities:

The Director may establish delayed payment of assessments and/or waive the payment of interest and penalties for groups of facilities when:

- 1) the State delays payments to facilities due to problems related to State cash flow, or
- 2) a cash flow bond pool's or any other group financing plans' requests from providers for loans are in excess of its scheduled proceeds such that a significant number of facilities will be unable to obtain a loan to pay the assessment.

h)

Delayed Payment - Individual Facilities

In addition to the provisions of subsection (g) above, the Director may delay assessments for individual facilities that are unable to make timely payments under this Section due to financial difficulties. No delayed payment arrangements shall extend beyond the last business day of the calendar quarter following the quarter in which the assessment was to have been received by the Department as described in subsection (c) above.

- 1) **Criteria.** Delayed payment provisions may be instituted only under extraordinary circumstances. Delayed payment provision shall be made only to qualified facilities who meet all of the following requirements:

A) the facility has experienced an emergency which necessitates institution of delayed payment provisions. Emergency in this instance is defined as a circumstance under which institution of the payment and penalty provisions described in subsections (c)(1), (c)(2), (f)(1), (f)(2) and (f)(3)

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above would impose severe and irreparable harm to the clients served. Circumstances which may create such emergencies include, but are not limited to, the following:

- i) Department system errors (either automated system or clerical) which have precluded payments, or which have caused erroneous payments such that the facility's ability to provide further services to clients is severely impaired;
- ii) cash flow problems encountered by a facility which are unrelated to Department technical system problems and which result in extensive financial problems to a facility adversely impacting on its ability to serve its clients.

B) the facility serves a significant number of clients under the Medical Assistance Program. Significant in this instance means:

- i) 85 percent or more of their residents must be eligible for public assistance.
- ii) a government-owned facility, which meets the cash flow criteria under subsection (h)(1)(A)(ii) above.
- iii) a provider who has filed for Chapter 11 bankruptcy, which meets the cash flow criterion under subsection (h)(1)(A)(ii) above.

C) the facility must file a delay of payment request as defined in subsection (h)(3)(A) below, and the request must include a Cash Position Statement which is based upon current assets, current liabilities and other data for a date which is less than 60 days prior to the date of filing. Any liabilities payable to owners or related parties must not be reported as current liabilities on the Cash Position Statement. A deferral of assessment payments will be denied if any of the following criteria are met:

- i) the ratio of current assets divided by current liabilities is greater than 2.0;
- ii) cash, short term investments and long term investments equal or exceed the total of accrued wages payable and the assessment payment. Long term investments which are unavailable for expenditure for current operations due to donor restrictions or contractual requirements will not be used in this calculation;
- iii) cash or other assets have been distributed during the previous 90 days to owners or related parties in an amount equal to or exceeding the assessment payment for dividends, salaries in excess of those allowable under Section 140.541 or payments for purchase of goods or services in excess of cost as defined in Section 140.537.

D) the facility, with the exception of government owned

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facilities, must show evidence of denial of an application to borrow assessment funds through a cash flow bond pool or financial institution such as a commercial bank. The denial must be 90 days old or less.

E) the facility must sign an agreement with the Department which specifies the terms and conditions of the delayed payment provisions. The agreement shall contain the following provisions:

- i) specific reason(s) for institution of the delayed payment provisions;
- ii) specific dates on which payments must be received and the amount of payment which must be received on each specific date described;
- iii) the interest or a statement of interest waiver as described in subsection (h)(5) that shall be due from the facility as a result of institution of the delayed payment provisions;
- iv) a certification stating that, should the entity be sold, the new owners will be made aware of the liability and any agreement selling the entity will include provisions that the new owners will assume responsibility for repaying the debt to the Department according to the original agreement;
- v) a certification stating that all information submitted to the Department in support of the delayed payment request is true and accurate to the best of the signature's knowledge; and
- vi) such other terms and conditions that may be required by the Department.

2) A facility which does not meet the above criteria may request a delayed payment schedule and/or the waiver of interest and penalties. The Director may approve the request, notwithstanding the facility not meeting the above criteria, upon a sufficient showing of financial difficulties and good cause by the facility. If the request for a delayed payment schedule and/or waiver of interest and penalties is approved, all other conditions of this subsection (h) shall apply.

3) Approval Process

A) In order to receive consideration for delayed payment provisions, facilities must submit their request in writing (telex requests are acceptable) to the Bureau of Program and Reimbursement Analysis. The request must be received as follows: delayed payment requests for installments due on September 30 of the year must be received on or before September 10 of the year; and delayed payment requests for installments due on December 31 of the year must be received on or before December 10 of the year; delayed payment requests for installments due on March 31 of the year must

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be received on or before March 11 of the year; delayed payment requests for installments due on May 31 of the year must be received on or before May 10 of the year. Requests must be complete and contain all required information before they are considered to have met the time requirements for filing a delayed payment request. All telex requests must be followed up with original written requests postmarked no later than the date of the telex. The request must include:

- i) an explanation of the circumstances creating the need for the delayed payment provisions;
- ii) supportive documentation to substantiate the emergency nature of the request and risk of irreparable harm to the clients; and
- iii) specification of the specific arrangements requested by the facility.

B) The facility shall be notified by the Department, in writing prior to the assessment due date, of the Department's decision with regard to the request for institution of delayed payment provisions. An agreement shall be issued to the facility for all approved requests. The agreement must be signed by the administrator, owner or other authorized representative and be received by the Department prior to the first scheduled payment date listed in such agreement.

4) Waiver of Penalties. The penalties described in subsections (f)(1) and (f)(2) of this Section may be waived upon approval of the facility's request for institution of delayed payment provisions. In the event a facility's request for institution of delayed payment provisions is approved and the Department has received the signed agreement in accordance with subsection (h)(3)(B) above, such penalties shall be permanently waived for the subject quarter unless the facility fails to meet all of the terms and conditions of the agreement. In the event the facility fails to meet all the terms and conditions of the agreement, the agreement shall be considered null and void and such penalties shall be fully reinstated.

5) Interest. The delayed payments shall include interest at a rate not to exceed the State of Illinois borrowing rate. The applicable interest rate shall be identified in the agreement described in subsection (h)(1)(E) above. The interest may be waived by the Director if the facility's current ratio, as described in subsection (h)(1)(C) above, is 1.5 or less and the facility meets the criteria in (h)(1)(A) and (B). Any such waivers granted shall be expressly identified in the agreement described in subsection (h)(1)(E) above.

6) Subsequent Delayed Payment Arrangements. Once a facility has requested and received approval for delayed payment arrangements, the facility shall not receive approval for subsequent delayed

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payment arrangements until such time as the terms and conditions of any current delayed payment agreement have been satisfied or unless the provider is in full compliance with the terms of the current delay of payment agreement. The waiver of penalties described in subsection (h)(4) shall not apply to a facility that has not satisfied the terms and conditions of any current delayed payment agreement.

- i) Administration; enforcement provisions
- Pursuant to Section 5C-6 of P.A. 86-861, to the extent practicable, the Department shall administer and enforce P.A. 86-861, as amended by P.A. 88-88, and collect the assessments, interest, and penalty assessments imposed under the law, using procedures employed in its administration of this Code generally and, as it deems appropriate, in a manner similar to that in which the Department of Revenue administers and collects the retailers' occupation tax under the Retailers' Occupation Tax Act ("ROTA").

- j) Nothing in P.A. 88-88 shall be construed to prevent the Department from collecting all amounts due under this Section pursuant to an assessment impose before the effective date of P.A. 88-88.

k) Definitions

- 1) "Adjusted gross developmentally disabled care revenue" means the developmentally disabled care provider's total revenue for inpatient residential services, less contractual allowances and discounts on patients' accounts, but does not include non-patient revenue from sources such as contributions, donations or bequests, investments, day training services, television and telephone service, rental of facility space, or sheltered care revenue. Adjusted gross developmentally disabled care revenue must be reported on an accrual basis for the tax reporting period. All patient revenue accrued during the tax reporting period must be included even though reimbursement may occur after the tax reporting period. Patient revenue must be reported on a basis that is consistent with methods used on the facility's last two cost reports.

- 2) "Contractual Allowance" means the difference between charges at established rates and the amount estimated to be paid by third party payors or patients, as appropriate, pursuant to agreements/contracts with the developmentally disabled care provider; courtesy and policy discounts provided to employees, medical staff and clergy; and charity care, but "contractual allowance" does not mean any Provider Participation fees/taxes paid to the Illinois Department of Public Aid.

- 3) "Department" means the Illinois Department of Public Aid.

- 4) "Developmentally disabled care facility" means an intermediate care facility for the mentally retarded within the meaning of Title XIX of the Social Security Act, whether public or private and whether organized for profit or not-for-profit, but shall not include any facility operated by the State.

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- 5) "Developmentally disabled care provider" means a person conducting, operating, or maintaining a developmentally disabled care facility. For this purpose, "person" means any political subdivision of the State, municipal corporation, individual, firm, partnership, corporation, company, limited liability company, association, joint stock association, or trust, or a receiver, executor, trustee, guardian or other representative appointed by order of any court.

- 6) "facility" means all intermediate care facilities as defined under "Developmentally disabled care facility" above.

- 7) "Fund" means the Developmentally Disabled Care Provider Fund.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 140.84 Long Term Care Provider Fund

a) Purpose and Contents

- 1) The Long Term Care Provider Fund was created in the State Treasury upon enactment of Public Act 87-861 and Public Act 88-88. Interest earned by the Fund shall be credited to the Fund. The Fund shall not be used to replace any funds appropriated to the Medicaid program by the General Assembly.

- 2) The Fund is created for the purpose of receiving and disbursing monies in accordance with this Section and Public Act 87-861, as amended by Public Act 88-88.

- 3) The Fund shall consist of:

- A) All monies collected or received by the Department under subsection (b) below;
- B) All federal matching funds received by the Department as a result of expenditures made by the Department that are attributable to monies deposited in the Fund;
- C) Any interest or penalty levied in conjunction with the administration of the Fund;
- D) All other monies received for the Fund from any other source, including interest earned thereon;
- E) All monies transferred from the Medicaid Long Term Care Provider Participation Fee Trust Fund; and
- F) All monies transferred from the Tobacco Products Tax Act.

b) License Fee

Beginning on July 1, 1993, a nursing home license fee is imposed upon each nursing home provider **for the State fiscal year beginning on July 1, 1993, and ending on June 30, 1995** in an amount equal to \$1.50 for each licensed nursing bed day for the calendar quarter in which the payment is due. All nursing home beds subject to licensure under the Nursing Home Care Act or the Hospital Licensing Act, with the exception of swing-beds, as defined in subsection (k)(8) of this Section will be used to calculate the licensed nursing bed days for

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each quarter. This license fee shall not be billed or passed on to any resident of a nursing home operated by the nursing home providers. Changes in the number of licensed nursing beds will be reported to the Department quarterly, as described in subsection (d)(1) below. The Department reserves the right to audit the reported data.

c) Payment of License Fee Due

- 1) The license fee described in subsection (b) above shall be due and payable in quarterly installments, on September 10, December 10, March 10, and June 10 of the year. License fee payments postmarked on the due date will be considered as paid on time.
- 2) All payments received by the Department shall be credited first to unpaid installment amounts (rather than to penalty or interest), beginning with the most delinquent installments.
- 3) County nursing homes directed and maintained pursuant to Section 5-1005 of the Counties Code may meet their license fee obligation by the county government certifying to the Department that county expenditures have been obligated for the operation of the county nursing home in an amount at least equal to the amount of the license fee. County governments wishing to provide such certification must:
 - A) Sign a certification form certifying that the funds represent expenditures eligible for federal financial participation under Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), and that these funds are not federal funds, or are federal funds authorized by federal law to be used to match other federal funds;
 - B) Submit the certification document to the Department once a year along with a copy of that portion of the county budget showing the funds appropriated for the operation of the county nursing home. These documents must be submitted within 30 days after the final approval of the county budget. The county budget and/or budgets covering the State fiscal year of July 1, 1993, through June 30, 1995, must be submitted by a date designated by the Department;
 - C) Submit the monthly claim form in the amount of the rate established by the Department minus any third party liability amount. This amount will be reduced by an amount determined by the amount certified and the number of months remaining in the fiscal year, prior to payment because a certification statement was provided in lieu of an actual license fee payment; and
 - D) Make records available upon request to the Department and/or the United States Department of Health and Human Services pertaining to the certification of county funds.

d) Reporting Requirements, Penalty, and Maintenance of Records

- 1) On or before the due dates described in subsection (c)(1), each nursing home provider subject to a license fee under subsection (b) of this Section shall file a report with the Department

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reflecting any changes in the number of licensed nursing beds occurring during the reporting quarter. The report shall be on a form prepared by the Department. The changes will be reported quarterly and shall be submitted with the revised quarterly license fee payment. For the purpose of calculating the license fee described in subsection (b) above, all changes in licensed nursing beds will be effective upon approval of the change by the Illinois Department of Public Health. Documentation showing the change in licensed nursing beds, and the date the change was approved by the Illinois Department of Public Health, must be submitted to the Department of Public Aid with the licensed nursing bed change form. If a nursing home provider operates or maintains more than one nursing home, a separate report shall be filed for each facility. In the case of a nursing home provider existing as a corporation or legal entity other than an individual, the report filed by it shall be signed by its president, vice-president, secretary, or treasurer or by its properly authorized agent.

- 2) If the nursing home provider fails to file its report for a State fiscal year on or before the due date of the report, there shall, unless waived by the Department for reasonable cause, be added to the license fee imposed in subsection (b) above a penalty fee equal to 2% of the license fee imposed for the year.
- 3) Every nursing home provider subject to a license fee under subsection (b) above shall keep records and books that will permit the determination of licensed nursing bed days on a quarterly basis. All such books and records shall be maintained for a minimum of three years following the filing date of the license fee report and shall, at all times during business hours of the day, be subject to inspection by the Department or its duly authorized agents and employees.
- 4) Amended License Fee Reports. With the exception of amended license fee reports filed in accordance with subsection (d)(5) below, an amended license fee report must be filed within 30 calendar days after the original report due date. The amended report must be accompanied by a letter identifying the changes and the justification for the amended report. The provider will be advised of any adjustments to the original annual license fee amount through a written notification from the Department. Penalties may be applied to the amount underpaid due to a filing error.
- 5) Reconsideration of Adjusted License Fee. If the Department, through an audit conducted by the Department or its agent within three years after the end of the fiscal year in which the assessment/license fee was due, changes the license fee liability of a nursing home provider, the nursing home provider may request a review or reconsideration of the adjusted license fee within 30 days of the Department's notification of the change in license

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fee liability. Requests for reconsideration of the license fee adjustment shall not be considered if such requests are not postmarked on or before the end of the 30 day review period. Penalties may be applied to the amount underpaid due to a filing error.

e) Procedure for Partial Year Reporting/Operating Adjustments

1) Cessation of business during the quarter in which the license fee is being paid and the closure date has been set. A nursing home provider who ceases to conduct, operate, or maintain a facility to which the person is subject to the license fee imposed under subsection (b) above, and for which the closure date for the facility has been set, shall file a final report with the Department on or before the due date for the quarter in which the closure is to occur. The report will reflect the adjusted number of days the facility is open during the reporting quarter, and shall be submitted with the final quarterly payment. Example: A facility is set to close on September 24. On or before the due date of September 30, the facility will submit a final report reflecting 86 days of the operation (July 1 through September 24) and the corresponding quarterly license fee payment.

2) Cessation of business after the quarterly due date. A nursing home provider who ceases to conduct, operate, or maintain a facility for which the person is subject to the license fee imposed under subsection (b) above, and for which closure occurs after the due date for the reporting quarter, but prior to the last day of the reporting quarter, shall file an amended final report with the Department within 30 days after the closure date. The amended report will reflect the number of days the facility was operated during the reporting quarter and the revised license fee amount. Upon verifying the data submitted on the amended report, the Department will issue a refund for the amount overpaid. Example: On December 10 a facility pays the license fee for 92 days covering the reporting quarter of October 1 through December 31. The facility closes December 27. An amended report reflecting 88 days, the actual number of days the facility was operational during the quarter (October 1 through December 27) must be filed with the Department.

3) Cessation of business prior to the quarterly due date. A nursing home provider who ceases to conduct, operate, or maintain a facility for which the person is subject to the license fee imposed under subsection (b) above, and for which closure occurs prior to the due date for the reporting quarter, shall file a final report with the Department within 30 days after the closure date. The final report will reflect the number of days the facility was operational during the reporting quarter, and the corresponding final license fee amount. Closure dates will be verified with the Department of Public Health, and if necessary adjustments will be made to the final license fee due.

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Example: Facility closes on January 17. On or before February 17, the facility must file a final report for the reporting quarter of January 1 through March 31. The report would reflect 17 days of operation (January 1 through January 17) during the quarter and must be accompanied by the final license fee payment for the facility.

4) Commencing of business during the fiscal year in which the license fee is being paid. A nursing home provider who commences conducting, operating, or maintaining a facility for which the person is subject to the license fee imposed under subsection (b) above, shall file an initial report for the reporting quarter in which the commencement occurs within 30 calendar days thereafter and shall pay the license fee under subsection (d) above.

5) Change in ownership and/or operators. The full quarterly assessment/license fee must be paid on the designated due date regardless of changes in ownership operators. Liability for the payment of the assessment/license fee amount (including past due assessment/license fees and any interest or penalties that may have accrued against the amount) rests on the nursing home provider currently operating or maintaining the nursing facility regardless if these amounts were incurred by the current owner or were incurred by previous owners. Collection of delinquent assessment/license fees from previous providers will be made against the current provider. Failure of the current provider to pay any outstanding assessment/license fee liabilities incurred by previous providers shall result in the application of penalties described in subsection (f)(1) of this Section.

f) Penalties

1) Any nursing home provider that fails to pay the full amount of an installment when due, or fails to report a change in licensed nursing beds approved by the Department of Public Health prior to the due date of installment, shall be charged, unless waived by the Department for reasonable cause, a penalty equal to 5% of the amount of the installment not paid on or before the due date, plus 5% of the portion thereof remaining unpaid on the last day of each month thereafter, not to exceed 100% of the installment amount not paid on or before the due date.

2) Within 45 days from the due date, the Department may begin recovery actions against delinquent nursing home providers participating in the Medicaid Program. Payments may be withheld from the provider until the entire license fee, including any penalties, is satisfied or until a reasonable repayment schedule has been approved by the Department. If a reasonable agreement cannot be reached, or if a provider fails to comply with an agreement, the Department reserves the right to recover any outstanding license fee, interest and penalty by recouping the amount or a portion thereof from the provider's future payments from the Department. The provider may appeal this recoupment in

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accordance with the Department rules contained in 89 Ill. Adm. Code 104. The Department has the right to continue recoupment during the appeal process. Penalties pursuant to subsection (f)(1) above will continue to accrue during the recoupment process. Recoupment proceedings against the same nursing home provider two times in a fiscal year may be cause for termination from the Program. Failure by the Department to initiate recoupment activities within 45 days shall not reduce the provider's liabilities nor shall it preclude the Department from taking action at a later date.

- 3) If the nursing home provider does not participate in the Medicaid Program, or is no longer doing business with the Department, or the Department cannot recover the full amount due through the claims processing system, within three months after the fee due date, the Department may begin legal action to recover the monies, including penalties and interest owed, plus court costs.

g) Delayed Payment - Groups of Facilities

The Director may establish delayed payment of fees and/or waive the payment of interest and penalties for groups of facilities when:

- 1) the State delays payments to facilities due to problems related to State cash flow, or
- 2) a cash flow bond pool's or any other group financing plans' requests from providers for loans are in excess of its scheduled proceeds such that a significant number of facilities will be unable to obtain a loan to pay the license fee.

h) Delayed Payment - Individual Facilities

In addition to the provisions of subsection (g) above, the Director may delay license fees for individual facilities that are unable to make timely payments under this Section due to financial difficulties. No delayed payment arrangements shall extend beyond the last business day of the calendar quarter following the quarter in which the license fee was to have been received by the Department as described in subsection (c) above.

- 1) Criteria. Delayed payment provisions may be instituted only under extraordinary circumstances. Delayed payment provisions shall be made only to qualified facilities who meet all of the following requirements:

A) the facility has experienced an emergency which necessitates institution of delayed payment provisions. Emergency in this instance is defined as a circumstance under which institution of the payment and penalty provisions described in subsections (c)(1), (c)(2), (f)(1), (f)(2) and (f)(3) above would impose severe and irreparable harm to the clients served. Circumstances which may create such emergencies include, but are not limited to, the following:

- 1) Department system errors (either automated system or clerical) which have precluded payments, or which have caused erroneous payments such that the facility's

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ability to provide further services to clients is severely impaired;
ii) cash flow problems encountered by a facility which are unrelated to Department technical system problems and which result in extensive financial problems to a facility adversely impacting on its ability to serve its clients.

- B) the facility serves a significant number of clients under the Medical Assistance Program. Significant in this instance means:
 - i) 85 percent or more of their residents must be eligible for public assistance.
 - ii) a government-owned facility, which meets the cash flow criterion under subsection (h)(1)(A)(ii) above.
 - iii) a provider who has filed for Chapter 11 bankruptcy, which meets cash flow criterion under subsection (h)(1)(A)(ii).

- C) the facility must file a delay of payment request as defined under subsection (h)(3)(A) and the request must include a Cash Position Statement which is based upon current assets, current liabilities and other data for a date which is less than 60 days prior to the date of filing. Any liabilities payable to owners or related parties must not be reported as current liabilities on the Cash Position Statement. A deferral of license fee payments will be denied if any of the following criteria are met:

- i) the ratio of current assets divided by current liabilities is greater than 2.0;
 - ii) cash, short term investments and long term investments equal or exceed the total of accrued wages payable and the license fee payment. Long term investments which are unavailable for expenditure for current operations due to donor restrictions or contractual requirements will not be used in this calculation;
 - iii) cash or other assets have been distributed during the previous 90 days to owners or related parties in an amount equal to or exceeding the license fee payment for dividends, salaries in excess of those allowable under Section 140.541 or payment for purchase of goods or services in excess of cost as defined in Section 140.537.
- D) the facility, with the exception of government owned facilities, must show evidence of denial of an application to borrow license fee funds through a cash flow bond pool or financial institutions such as a commercial bank. The denial must be 90 days old or less.
- E) the facility must sign an agreement with the Department which specifies the terms and conditions of the delayed

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payment provisions. The agreement shall contain the following provisions:

- i) specific reason(s) for institution of the delayed payment provisions;
- ii) specific dates on which payments must be received and the amount of payment which must be received on each specific date described;
- iii) the interest or a statement of interest waiver as described in subsection (h)(5) below that shall be due from the facility as a result of institution of the delayed payment provisions;
- iv) a certification stating that, should the entity be sold, the new owners will be made aware of the liability and any agreement selling the entity will include provisions that the new owners will assume responsibility for repaying the debt to the Department according to the original agreement;
- v) a certification stating that all information submitted to the Department in support of the delayed payment request is true and accurate to the best of the signature's knowledge; and
- vi) such other terms and conditions that may be required by the Department.

- 2) A facility which does not meet the above criteria may request a delayed payment schedule and/or the waiver of interest and penalties. The Director may approve the request, notwithstanding the facility not meeting the above criteria, upon a sufficient showing of financial difficulties and good cause by the facility. If the request for a delayed payment schedule and/or waiver of interest and penalties is approved, all other conditions of this subsection (h) shall apply.

3) Approval Process

- A) In order to receive consideration for delayed payment provisions, facilities must submit their request in writing (telefax requests are acceptable) to the Bureau of Program and Reimbursement Analysis. The request must be received as follows: delayed payment requests for installments due on September 10 of the year must be received on or before August 20 of the year; delayed payment requests for installments due on or before November 22 of the year must be received on or before November 10 of the year; delayed payment requests for installments due on March 10 of the year must be received on or before February 18 of the year; and delayed payment requests for installments due on June 10 of the year must be received on or before May 20 of the year. Requests must be complete and contain all required information before they are considered to have met the time requirements for filing a delayed payment request. All

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telefax requests must be followed up with original written requests by certified mail postmarked no later than the date of the telefax. The request must include:

- i) an explanation of the circumstances creating the need for the delayed payment provisions;
- ii) supportive documentation to substantiate the emergency nature of the request including a cash position statement as defined in subsection (h)(1)(C) a denial of application to borrow the license fee as defined in subsection (h)(1)(D) and an explanation risk of irreparable harm to the clients; and
- iii) specification of the specific arrangements requested by the facility.

- B) The facility shall be notified by the Department, in writing prior to the license fee due date, of the Department's decision with regard to the request for institution of delayed payment provisions. An agreement shall be issued to the facility for all approved requests. The agreement must be signed by the administrator, owner or other authorized representative and be received by the Department prior to the first scheduled payment date listed in such agreement.

- 4) Waiver of Penalties. The penalties described in subsections (f)(1) and (f)(2) may be waived upon approval of the facility's request for institution of delayed payment provisions. In the event a facility's request for institution of delayed payment provisions is approved and the Department has received the signed agreement in accordance with subsection (h)(3)(B) above, such penalties shall be permanently waived for the subject quarter unless the facility fails to meet all of the terms and conditions of the agreement. In the event the facility fails to meet all of the terms and conditions of the agreement, the agreement shall be considered null and void and such penalties shall be fully reinstated.

- 5) Interest. The delayed payments shall include interest at a rate not to exceed the State of Illinois borrowing rate. The applicable interest rate shall be identified in the agreement described in subsection (h)(1)(E) above. The interest may be waived by the Director if the facility's current ratio, as described in subsection (h)(1)(C) above, is 1.5 or less and the facility meets the criteria in (h)(1)(A) and (B). Any such waivers granted shall be expressly identified in the agreement described in subsection (h)(1)(E) above.

- 6) Subsequent Delayed Payment Arrangements. Once a facility has requested and received approval for delayed payment arrangements, the facility shall not receive approval for subsequent delayed payment arrangements until such time as the terms and conditions of any current delayed payment agreement have been satisfied or unless the provider is in full compliance with the terms of the

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current delay of payment agreement. The waiver of penalties described in subsection (h)(4) shall not apply to a facility that has not satisfied the terms and conditions of any current delayed payment agreement.

- j) Administration; enforcement provisions
Pursuant to Section 5B-7 of P.A. 87-861, to the extent practicable, the Department shall administer and enforce P.A. 86-861, as amended by P.A. 88-88, and collect the license fees, interest, and penalty fees imposed under the law, using procedures employed in its administration of this Code generally and, as it deems appropriate, in a manner similar to that in which the Department of Revenue administrators and collectors the retailers' occupation tax under the Retailers' Occupation Tax Act ("ROTA").
- k) Nothing in P.A. 88-88 shall be construed to prevent the Department from collecting all amounts due under this Section pursuant to an assessment imposed before the effective date of P.A. 88-88.
- l) Definitions

As used in this Section, unless the context requires otherwise:

- 1) "Department" means the Illinois Department of Public Aid.
- 2) "Fund" means the Long-Term Care Provider Fund.
- 3) "Hospital Provider" means a person licensed by the Department of Public Health to conduct, operate, or maintain a hospital, regardless of whether the person is a Medicaid provider. For purposes of this definition, "person" means any political subdivision of the State, municipal corporation, individual firm, partnership, corporation, company, limited liability company, association, joint stock association, or trust, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

- 4) "Licensed nursing bed days" means, with respect to a nursing home provider, the sum for all nursing home beds, with the exception of swing-beds, as described in subsection (k)(8) of this Section, of the number of days during a calendar quarter on which each bed is covered by a license issued to that provider under the Nursing Home Care Act or the Hospital Licensing Act.

- 5) "Nursing home" means a skilled nursing or intermediate long-term care facility, whether public or private and whether organized for profit or not-for-profit, that is subject to licensure by the Illinois Department of Public Health under the Nursing Home Care Act, including a county nursing home directed and maintained under Section 5-1005 of the Counties Code; and a part of a hospital in which skilled or intermediate long-term care services within the meaning of Title XVII or XIX of the Social Security Act. However, the term "nursing home" does not include a facility operated solely as an intermediate care facility for the mentally retarded within the meaning of Title XIX of the Social Security Act.

- 6) "Nursing home provider" means a person licensed by the Department

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of Public Health to operate and maintain a skilled nursing or intermediate long-term care facility which charges its residents, a third party payor, Medicaid, of Medicare for skilled nursing or intermediate long-term care services; or a hospital provider that provides skilled or intermediate long-term care service within the meaning of Title XVIII or XIX of the Social Security Act.

- 7) "Person" means, in addition to natural persons, any political subdivision of the State, municipal corporation, individual, firm, partnership, corporation, company, limited liability company, association, joint stock association, or trust, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

- 8) "Swing-beds" means those beds for which a hospital provider has been granted an approval from the federal Health Care Financing Administration to provide post-hospital extended care services (42 CFR 409.30, October 1, 1991) and be reimbursed as a swing-bed hospital (42 CFR 413.114, October 1, 1991).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers: Proposed Action:
130.340 Amendment
- 4) Statutory Authority: 35 ILCS 120
- 5) A. Complete Description of the Subjects and Issues Involved: This amendment changes the reference to an Illinois Commerce Commission Certificate of Authority to an Illinois Commerce Commission Certificate of Registration that recognizes interstate carriers for hire for documentation of the rolling stock exemption. This change in terminology does not change the type of documentation required to document this exemption. The use of the term "Certificate of Registration" is considered a more appropriate description of the certificate that the Illinois Commerce Commission has and currently continues to issue to certain interstate carriers for hire.
- 6) Will this proposed rule replace an emergency rule currently effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

| Section Numbers | Proposed Action | IL Register Citation |
|-----------------|-----------------|----------------------|
|-----------------|-----------------|----------------------|

| | | |
|----------|-----------|------------------------------|
| 130.2007 | Amendment | 1/28/94, 18 Ill. Reg. 982 |
| 130.501 | Amendment | 10/14/94, 18 Ill. Reg. 15383 |
| 130.502 | Amendment | 10/14/94, 18 Ill. Reg. 15383 |
| 130.510 | Amendment | 10/14/94, 18 Ill. Reg. 15383 |
| 130.540 | Amendment | 10/14/94, 18 Ill. Reg. 15383 |
| 130.331 | Amendment | 1/20/95, 19 Ill. Reg. 571 |

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Terry Charlton

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Associate Counsel
Illinois Department of Revenue
Office of General Counsel
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: Interstate carriers for hire recognized by the Illinois Commerce Commission and any small businesses that sell items that qualify for the rolling stock exemption.
- B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking requires no new reporting, bookkeeping, or other procedure for compliance.
- C) Types of professional skills necessary for compliance: No new professional skills are required by this rulemaking.

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section

| | |
|---------|--|
| 130.101 | Character and Rate of Tax |
| 130.105 | Responsibility of Trustees, Receivers, Executors or Administrators |
| 130.110 | Occasional Sales |
| 130.111 | Sale of Used Motor Vehicles by Leasing or Rental Business |
| 130.115 | Habitual Sales |
| 130.120 | Nontaxable Transactions |

SUBPART B: SALE AT RETAIL

Section

| | |
|---------|--|
| 130.201 | The Test of a Sale at Retail |
| 130.205 | Sales for Transfer Incident to Service |
| 130.210 | Sales of Tangible Personal Property to Purchasers for Resale |
| 130.215 | Further Illustrations |
| 130.220 | Sales to Lessors of Tangible Personal Property |

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section

| | |
|---------|--|
| 130.305 | Farm Machinery and Equipment |
| 130.310 | Food, Drugs, Medicines and Medical Appliances |
| 130.315 | Fuel Solid for Use in Vessels on Rivers Bordering Illinois |
| 130.320 | Gasohol |
| 130.321 | Fuel Used by Air Common Carriers in International Flights |
| 130.325 | Graphic Arts Machinery and Equipment Exemption |
| 130.330 | Manufacturing Machinery and Equipment |
| 130.335 | Pollution Control Facilities |
| 130.340 | Rolling Stock |
| 130.345 | Oil Field Exploration, Drilling and Production Equipment |
| 130.350 | Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment |

SUBPART D: GROSS RECEIPTS

Section

| | |
|---------|--|
| 130.401 | Meaning of Gross Receipts |
| 130.405 | How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser |

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Cost of Doing Business Not Deductible

130.410 Transportation and Delivery Charges
 130.415 Finance or Interest Charges--Penalties--Discounts
 130.420 Traded-In Property

130.425 Deposit or Prepayment on Purchase Price

130.430 State and Local Taxes Other Than Retailers' Occupation Tax
 130.435 Penalties
 130.440 Federal Taxes

130.445 Installation, Alteration and Special Service Charges

130.450 Motor Vehicle Leasing and Trade-In Allowances

130.455

SUBPART E: RETURNS

Section

130.501 Monthly Tax Returns--When Due--Contents

130.502 Quarterly Tax Returns

130.505 Returns and How to Prepare

130.510 Annual Tax Returns

130.515 First Return

130.520 Final Returns When Business is Discontinued

130.525 Who May Sign Returns

130.530 Returns Covering More Than One Location Under Same

Registration--Separate Returns for Separately Registered Locations
 Payment of the Tax, Including Quarterly Monthly Payments in Certain
 Instances

130.540 Returns on a Transaction by Transaction Basis

130.545 Registrants Must File a Return for Every Return Period

130.550 Filing of Returns for Retailers by Suppliers Under Certain

Circumstances

130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel

130.555 Vending Machine Information Returns

130.560 Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section

130.601 Preliminary Comments

130.605 Sales of Property Originating in Illinois

130.610 Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section

130.701 General Information on Obtaining a Certificate of Registration
 130.705 Procedure in Disputed Cases Involving Financial Responsibility
 Requirements

130.710 Procedure When Security Must be Forfeited

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.715 Sub-Certificates of Registration
 130.720 Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
 130.725 Display
 130.730 Replacement of Certificate
 130.735 Certificate Not Transferable
 130.740 Certificate Required For Mobile Vending Units
 130.745 Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section
 130.801 General Requirements
 130.805 What Records Constitute Minimum Requirement
 130.810 Records Required to Support Deductions
 130.815 Preservation and Retention of Records
 130.820 Preservation of Books During Pendency of Assessment Proceedings
 130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

SUBPART I: PENALTIES AND INTEREST

Section
 130.901 Civil Penalties
 130.905 Interest
 130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

Section
 130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section
 130.1101 Definition of Federal Area
 130.1105 When Deliveries on Federal Areas Are Taxable
 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section
 130.1201 General Information
 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

DEPARTMENT OF REVENUE

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Section
 130.1301 When Lessee of Premises Must File Return for Leased Department
 130.1305 When Lessor of Premises Should File Return for Leased Department
 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section
 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale
 130.1410 Requirements for Certificates of Resale (Repealed)
 130.1415 Resale Number--When Required and How Obtained
 130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
 130.1501 Claims for Credit--Limitations--Procedure
 130.1505 Disposition of Credit Memoranda by Holders Thereof
 130.1510 Refunds
 130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON SELLING OUT OR DISCONTINUING BUSINESS

Section
 130.1601 When Returns are Required After a Business is Discontinued
 130.1605 When Returns are Not Required After Discontinuation of a Business
 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section
 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section
 130.1801 When Powers of Attorney May be Given
 130.1805 Filing of Power of Attorney With Department
 130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

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130.1901 Addition Agents to Plating Baths
 130.1905 Agricultural Producers
 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
 130.1915 Auctioneers and Agents
 130.1920 Barbers and Beauty Shop Operators
 130.1925 Blacksmiths
 130.1930 Chiropodists, Osteopaths and Chiropractors
 130.1935 Computer Software
 130.1940 Construction Contractors and Real Estate Developers
 130.1945 Co-operative Associations
 130.1950 Dentists
 130.1951 Enterprise Zones
 130.1955 Farm Chemicals
 130.1960 Finance Companies and Other Lending Agencies - Installment Contracts - Repossessions
 130.1965 Florists and Nurserymen
 130.1970 Hatcheries
 130.1975 Operators of Games of Chance and Their Suppliers
 130.1980 Optometrists and Opticians
 130.1985 Pawnbrokers
 130.1990 Peddlers, Hawkers and Itinerant Vendors
 130.1995 Personalizing Tangible Personal Property
 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
 130.2006 Sales by Teacher-Sponsored Student Organizations
 130.2007 Exemption Identification Numbers
 130.2008 Sales by Nonprofit Service Enterprises
 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
 130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property
 130.2020 Physicians and Surgeons
 130.2025 Picture-Framers
 130.2030 Public Amusement Places
 130.2035 Registered Pharmacists and Druggists
 130.2040 Retailers of Clothing
 130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
 130.2050 Sales and Gifts By Employers to Employees
 130.2055 Sales by Governmental Bodies
 130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
 130.2065 Sales of Automobiles for Use in Demonstration
 130.2070 Sales of Containers, Wrapping and Packing Materials and Related Products
 130.2075 Sales To Construction Contractors, Real Estate Developers and

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130.2080 Speculative Builders
 130.2085 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
 130.2090 Sales to or by Banks, Savings and Loan Associations and Credit Unions
 130.2095 Sales to Railroad Companies
 130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
 130.2100 Sellers of Feeds and Breeding Livestock
 130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers
 130.2110 Sellers of Seeds and Fertilizer
 130.2115 Sellers of Machinery, Tools and the Like
 130.2120 Suppliers of Persons Engaged in Service Occupations and Professions
 130.2125 Trading Stamps and Discount Coupons
 130.2130 Undertakers and Funeral Directors
 130.2135 Vending Machines
 130.2140 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order
 130.2145 Vendors of Meals
 130.2150 Vendors of Memorial Stones and Monuments
 130.2155 Vendors of Signs
 130.2156 Vendors of Steam
 130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
 130.2165 Veterinarians
 130.2170 Warehousemen
 ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b3].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12792, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January

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10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 5621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. _____, effective _____.

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section 130.340 Rolling Stock

- a) Notwithstanding the fact that the sale is at retail, the Retailers' Occupation Tax does not apply to sales of tangible personal property to interstate carriers for hire for use as rolling stock moving in interstate commerce, or lessors under leases of one year or longer executed or in effect at the time of purchase to interstate carriers for hire for use as rolling stock moving in interstate commerce.
- b) The term "Rolling Stock" includes the transportation vehicles of any kind of interstate transportation company for hire (railroad, bus line, air line, trucking company, etc.), but not vehicles which are being used by a person to transport its officers, employees, customers or others not for hire (even if they cross State lines) or to transport property which such person owns or is selling and delivering to customers (even if such transportation crosses State lines). Railroad "rolling stock" includes all railroad cars, passenger and freight, and locomotives (including switching locomotives) or mobile power units of every nature for moving such cars, operating on railroad tracks, and includes all property purchased for the purpose of being attached to such cars or locomotives as a part thereof. The

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- c) exemption includes some equipment (such as containers called trailers) which are used by interstate carriers for hire, loaded on railroad cars, to transport property, but which do not operate under their own power and are not actually attached to the railroad cars. The exemption does not apply to fuel nor to jacks or flares or other items that are used by interstate carriers for hire in servicing the transportation vehicles, but that do not become a part of such vehicles, and that do not participate directly in some way in the transportation process. The exemption does not include property of an interstate carrier for hire used in the company's office, such as furniture, typewriters, office supplies and the like.
- d) The rolling stock exemption cannot be claimed by a purely intrastate carrier for hire as to any tangible personal property which it purchases because it does not meet the statutory tests of being an interstate carrier for hire.
- e) When the rolling stock exemption may properly be claimed, the purchaser should give the seller a certification that the purchaser is an interstate carrier for hire, and that the purchaser is purchasing the property for use as rolling stock moving in interstate commerce. If the purchaser is a carrier, the purchaser must include its Interstate Commerce Commission Certificate of Authority number or must certify that it is a type of interstate carrier for hire (such as an interstate carrier of agricultural commodities for hire) that is not required by law to have an Interstate Commerce Commission Certificate of Authority. In the latter event, the carrier must include its Illinois Commerce Commission Certificate of Authority Registration number indicating that it is recognized by the Illinois Commerce Commission as an interstate carrier for hire. If the carrier is a type which is subject to regulation by some Federal Government regulatory agency other than the Interstate Commerce Commission, the carrier must include its registration number from such other Federal Government regulatory agency in the certification claiming the benefit of the rolling stock exemption. If the purchaser is a long term lessor (under a lease of one year or more in duration), the purchaser must give the seller of the property a certification to that effect, similarly identifying the lessee interstate carrier for hire. The giving of such a certification does not preclude the Department from going behind it and disregarding it if, in examining such purchaser's records or activities, the Department finds that the certification was

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not true as to some fact or facts which show that the purchase was taxable and should not have been certified as being tax exempt. The Department reserves the right to require a copy of the carrier's Interstate Commerce Commission or other Federal Government regulatory agency Certificate of ~~Authority~~ Registration or Illinois Commerce Commission Certificate of Authority (or as much of the certificate as the Department deems adequate to verify the fact that the carrier is an interstate carrier for hire) to be provided whenever the Department deems that to be necessary.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Administrative Requirements For Official Testing Stations
- 2) Code Citation: 92 Ill. Adm. Code 451
- 3) Section Numbers: Adopted Action:
 451.Appendix A Repeal
 451.Appendix B Repeal
 451.Appendix C Repeal
 451.Appendix D Repeal
 451.Appendix E Repeal
 451.Appendix G Repeal
 451.Illustration A Repeal
 451.Illustration B Repeal
- 4) Statutory Authority: 625 ILCS 5/Ch. 12, Art. VIII and 5/Ch. 13
- 5) Effective Date of Rulemaking: March 13, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: March 7, 1995
- 9) Notice of Proposal Published in Illinois Register: September 9, 1994, 18 Ill. Reg. 13729
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
 The volume number in the Section Source Notes was updated.
 The ILCS cite was corrected in the Authority Note.
 The Section Headings of the Appendices were corrected.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: By this Notice of Adopted Amendments, the Department is repealing the Appendices and Illustrations which are

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applicable to school buses. Elsewhere in this *Illinois Register*, the Department is establishing three new Parts to replace the Appendices and Illustrations repealed by this rulemaking. Part 451 now addresses only the administrative requirements for operating an Illinois Official Testing Station. The school bus regulations are promulgated as separate Parts.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Cathy Allen
Regulations and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

- 17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)
PART 451
ADMINISTRATIVE REQUIREMENTS FOR OFFICIAL TESTING STATIONS

| Section | Purpose and Scope |
|----------------|--|
| 451.10 | Definitions |
| 451.15 | Application |
| 451.20 | Incorporation by Reference of Federal Regulations |
| 451.25 | Standards of Construction |
| 451.30 | Address for Correspondence |
| 451.40 | Definitions (Renumbered) |
| 451.50 | Supervision of Official Testing Station and Enforcement of Department Policies |
| 451.60 | Permit Application Procedures and Operating Requirements for Official Testing Stations |
| 451.70 | Applicant Qualifications for Official Testing Station Permit |
| 451.80 | Official Testing Station Requirements |
| 451.90 | Official Testing Station Lane or Designated Testing Area Requirements |
| 451.100 | Official Testing Station (OTS) Classifications, Specifications and Safety Test Equipment |
| 451.110 | Responsibilities of Official Testing Station Owner |
| 451.120 | Responsibilities of Certified Safety Tester |
| 451.130 | Certificate of Safety |
| 451.140 | Completion Procedures for Vehicle Inspection Report (VIR) |
| 451.150 | Official Testing Station Forms, Records and Reports |
| 451.160 | Inspection Procedures/Specifications for Type I School Buses (Repealed) |
| APPENDIX A | Inspection Procedures/Specifications for Type II School Buses (Repealed) |
| APPENDIX B | Inspection Procedures/Specifications for Type I Special Education School Buses (Repealed) |
| APPENDIX C | Inspection Procedures/Specifications for Type II Special Education School Buses (Repealed) |
| APPENDIX D | Driver's Pre-Trip Inspection Requirements (Repealed) |
| APPENDIX E | Authorized Inspection Equipment |
| APPENDIX F | Illinois Minimum Standards for School Bus - Van Type Conversion |
| APPENDIX G | 1-16 Passengers Purchased Prior to September 1974 (Repealed) |
| ILLUSTRATION A | Stop Arm Panel (Repealed) |
| ILLUSTRATION B | Exhaust Guidelines (Repealed) |

AUTHORITY: Implementing and authorized by Section 6-410 of the Illinois Driver Licensing Law [625 ILCS 5/6-410], Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII], and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13].

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NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 13 Ill. Reg. 19597, effective December 1, 1989; amended at 17 Ill. Reg. 12839, effective July 27, 1993; amended at 19 Ill. Reg. 4394, effective July 27, 1995.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Section 451.APPENDIX A Inspection Procedures/Specifications for Type I School Buses (Repealed)

SUBJECT

a)--AIR-CLEANER
b)--AISE

PROCEDURES/SPECIFICATIONS

Any-type-is-acceptable.
Unobstructed minimum clearance-leading-from service door-to emergency door-for back-of-bus--must-be-at least 12--inches--(995--mm) wide-----for-----buses manufactured-in--July--1987 or--later--aisle-width-at two--inches--below-top-of seat-back-must-be 15--inches (380--mm)--floor-to-ceiling height-must-be-a minimum-of 68-9--inches--(1.75-m)--at-any location-within-the-aisle.

c)--ALTERNATOR
(GENERATOR)

The-generator-or alternator-with rectifier-shall-have a-minimum-capacity--rating of--60--amperes--and-shall-be capable--of--meeting--all electrical-requirements.

d)--AXES

Must-meet-federal chassis-requirements as-indicated-on federal-certification label--49-CFR-569

e)--BARRIER
GUARD

A-guard-barrier constructed-and thickly-padded-so-as to-protect-head-knee and-leg-protectors shall-be-installed-in-front of--each--forward-facing passenger-seat--that--does not-directly-face-the-rear-space-----of--another

REPEAT-VERIFIED-IF

No-air-cleaner-is-present.
Does-not-meet-minimum standards-or-is obstructed.

Does-not-meet-minimum standards-or-is-not functioning.

Visible-signs-of-apparent damage-or-not-firmly attached.

Barrier-is-not-solidly attached--padding-or covering-shows wear-and tear--Does-not-meet requirements.

DEPARTMENT OF TRANSPORTATION
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PROCEEDURES/SPECIFICATIONS

SUBJECT

passenger-----seat-----the
battery must measure the
same-----height-----as-----the
passenger-----seat-----back
directly-----behind-----that
battery-----24-----inches-----
49-EPB-571.222

In-----a-----bus-----manufactured-----in
January-----1988-----or-----later-----
guard-----batteries-----must-----measure
the same height as the seat
back-----directly-----behind-----that
battery-----28-----inches-----

Exception-----In-----a-----bus-----manufactured-----from-----July-----1-----1987-----to-----December-----3-----
the battery may be less than the required 28-inch seat-back.

Exception-----In-----a-----bus-----with
chassis-----incomplete-----
vehicle-----manufactured-----in
March-----1977-----or-----earlier-----the
battery-----may-----consist-----of-----a
floor-----to-----ceiling-----vertical
stationary padded row with
three-----inches-----of-----ceiling-----and
floor-----and-----
station-----to-----wall-----fully
padded-----horizontal-----guard
rail-----However-----if-----located
adjacent-----to-----steeply-----this
type-----battery-----shall-----include
a-----step-----guard-----panel-----that
extends-----from-----the-----station
to-----the-----wall-----and-----from-----the
guard-----rail-----to-----within-----two
inches-----of-----the-----floor-----

Exception-----At-----buses
manufactured-----prior-----to
September-----1974-----are-----excepted
from-----padding-----on-----stations
and-----guard-----rails-----

1)-----BATTERY-----OR
BATTERIES

One-----or-----more-----batteries

Not-----securely-----mounted-----

DEPARTMENT OF TRANSPORTATION
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PROCEEDURES/SPECIFICATIONS

SUBJECT

may-----be-----mounted-----either
in-----engine-----compartment
or-----on-----outside-----of
passenger-----driver
area-----Battery-----for
batteries-----together-----in-----a-----12
volt-----system-----shall-----be-----rated-----
when-----new-----to-----provide-----the
following-----

Engine-----
recommended-----Cold-----Cranking
current-----at-----10-----degrees-----C
seconds-----at-----10-----degrees-----C
10-----degree-----P-----or-----at-----the
purchase-----is-----optional-----at-----29
degrees-----C-----120-----degrees-----P-----
the-----battery-----shall
provide-----a-----Reserve-----Capacity
duration-----of-----25-----ampere
current-----flow-----at-----27-----degrees
C-----100-----degrees-----P-----for-----no
less-----than-----15-----minutes-----
How-----rate-----discharge-----capacity
of-----10-----ampere-----hours-----or-----more
120-----hour-----discharge-----test-----at
80-----degrees-----P-----
Exception-----A-----bus
manufactured-----in-----August-----1974
or-----earlier-----may-----have-----a-----70
ampere-----hour-----battery-----in-----a
12-volt-----system-----

When-----the-----battery-----is
mounted-----outside-----the
engine-----compartment-----it-----shall
be-----vented-----or-----located-----in-----a
closed-----weather-----tight-----and
vented-----compartment-----that-----is
located-----and-----arranged-----so-----as
to-----provide-----for-----convenient

Check condition-----
1)-----BATTERY
CABLES
1)-----BATTERY
CARRIER

Cables-----are-----corroded-----
Not-----securely-----attached-----

Buses-----not-----meet
requirements-----

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

| <u>SUBJECT</u> | <u>PROCEDURES/SPECIFICATIONS</u> | <u>SUBJECT</u> | <u>PROCEDURES/SPECIFICATIONS</u> | <u>REJECT-VEHICLE-IF</u> |
|----------------------|---|-----------------------------------|---|------------------------------------|
| 1)--BRAKES | <p>Every motor vehicle shall be equipped with two separate means of applying the brakes and they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes. (Section 12-3014) of the Illinois Vehicle Equipment Law)</p> | 3)--Emergency Parking Brake | <p>Emergency parking brakes-system must apply brakes-to-a-least-two wheels. (Section 12-3014) of the Illinois Vehicle Equipment Law)</p> <p>Micro-brakes are not considered a separate means of braking and are not acceptable procedures for testing.</p> <p>1)--Apply operating control fully.</p> <p>2)--Check actuating mechanism-for-release.</p> <p>Brake performance-test:</p> <p>Using drive-on-pad-type test:</p> <p>1)--Drive vehicle onto brake-mechanism-adds ac 4-8-M.P.H.</p> <p>2)--Apply emergency parking brakes-for-braking-vehicle-to-a-halt.</p> <p>Do not lock wheels.</p> <p>3)--Note the braking</p> | <p>Does not meet requirements.</p> |
| 1)--Braking Plate | <p>Check condition.</p> | | <p>Not equipped with emergency parking brakes. Operating mechanism does not hold-in the applied position.</p> <p>Actuating mechanism does not fully release when released.</p> <p>Property.</p> | |
| 2)--Brmsy Discs | <p>Inspect drums and/or discs for cracks or for bent or warped surfaces beyond the marked discard limit.</p> | | <p>3)--Disc thickness-.030 inch-----(.75mm) over-marked discard-limit on-any-bus.</p> <p>4)--Other-rework-freedom-released-limit-specified by-----chassis manufacturer.</p> | <p>Does not meet requirements.</p> |
| | | | | <p>Machine-does-not-register</p> |

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NOTICE OF ADOPTED AMENDMENTS

| <u>SUBJECT</u> | <u>PROCEDURES/SPECIFICATIONS</u> | <u>SUBJECT</u> | <u>PROCEDURES/SPECIFICATIONS</u> | <u>REJECT-VEHICLE-IF</u> |
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| | | | | <p>Machine-does-not-register</p> |

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

| <u>SUBJECT</u> | <u>PROCEDURES/SPECIFICATIONS</u> | <u>REPEAT VEHICLE IF</u> |
|---|---|---|
| | forces registered by the brake machine: | a total braking force of at least 20% of vehicle empty weight. Braking forces at opposite wheels on same axle vary more than 20%. |
| | Using roller-type tester: | |
| | 1) Position axle with emergency brake onto roller. | |
| | 2) Apply emergency brake but do not lock wheels: | |
| 4) Emergency Brake Ratchet (pedal or lever) | Must be in proper adjustment. | Does not meet requirements |
| 5) Pedal Clearance (service brakes) | Minimum 1 1/2 inch clearance with pedal fully depressed. | Does not meet requirements |
| 6) Power Systems | With air system fully charged (compressor governor cut out) run engine at low idler. Make one full (maximum) brake application and immediately record pressure at pressure. | time required to raise air pressure from recorded point out is more than 30 seconds |
| | Apply and release brakes and pressure at least 10 psi (10 pounds per square inch) below governor cut in pressure. Run | |

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NOTICE OF ADOPTED AMENDMENTS

| <u>SUBJECT</u> | <u>PROCEDURES/SPECIFICATIONS</u> | <u>REPEAT VEHICLE IF</u> |
|-----------------------|--|--|
| | engine at high idle and determine seconds required to raise reservoir pressure from recorded pressure: | |
| B) Electric Hydraulic | Turn engine "off." Depress service brake pedal. Electric hydraulic pump must come on. (listen). | Electric pump does not operate properly or is absent. |
| E) Hydraulic | Inspect booster system belts, supports, tubes, hose connections and general condition. Clean reservoir cover as necessary and check booster fluid level. Do not contaminate fluid. Turn engine "on." Warning signal must come on (look/listen). Depress brake pedal tightly. Start engine. Pedal must move down slightly (feet). Warning signal must go off (look/listen). | Belts slack or worn. tube or hose is damaged. any part leaks or is cracked. booster fluid is low. |
| | Warning signal must come on (look/listen). Depress brake pedal tightly. Start engine. Pedal must move down slightly (feet). Warning signal must go off (look/listen). | Either booster or warning signal does not operate properly. |
| B) Vacuum Hydraulic | Inspect tank (air chambers, hoses, tubes, connectors, clamps) and booster air cleaner. | 1) Any component is restricted, collapsed, scuffed, cracked, loose or broken. Booster air cleaner is clogged. |
| | Inspect supports and attachments. | 2) Any support or attachment is broken. Any connecting line or other |

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NOTICE OF ADOPTED AMENDMENTS

| SUBJECT | PROCEDURES/SPECIFICATIONS | REJECT-VEHICLE-IP | SUBJECT | PROCEDURES/SPECIFICATIONS | REJECT-VEHICLE-IP |
|--|--|---|----------------------------------|--|--|
| 7)-Service Brakes | Must-be-equipped-with service-brakes-on-all wheels-1section 12-301(f)(5)-of-the Illinois-Vehicle Equipment-Law Must-be-equipped-with a split-system-on-service brakes--49-GR-57-105 Power-assisted-service brakes-are-required--49-GR-57-105 | Component-is-not attached or-supported-so-as to-prevent-damage-from scraping-or-rubbing- 3)-Foot-Pedal-does-not fall-away-from-foot when-engine-is started-insufficient vacuum-reserve-to permit-one-full service-brake application-after engine-is-off-without actuating-low-vacuum indicator-valve-or diaphragm-leaking- | 7)-Brake Performance Test | 3)-Correct-brake-mileage- | |
| 7)-Brake Report and Certification Form-(SB6) | Verify-SB6-for-following: 1)-proper-completion 2)-issued-not-more-than 10-days-before-safety test- | With-engine-off: repeatedly-apply-service brakes-until-vacuum-is depleted-with-medium pressure-on-brake-pedal start-engine-release brake-and-operate-engine until-maximum-vacuum-is established-stop-engine-apply-service-brakes-hard- With-brakes-set: apply-start-engine after-one-minute-of running-engine-check low-vacuum-indicator- | | Using-Drive-On-Pad-type Brake-# 1-test: Check-vehicle's-stopping ability-before-testing- Drive-vehicle-onto-brake machine-pads-at-10-mph- Apply-service-brakes-to bring-vehicle-to-a-halt- Do-not-lock-wheels- Note-the-braking-force registered-by-the-brake machine- Machine-does-not-register a-total-braking-force-of at-least-60%-of-the vehicle-empty-weight- | |
| 7)-Bumper Front | Absent-or-invalid-SB6- | | Using-----Roll-On-----Type Test: | When-using-roll-type test-set-each-vehicle-must-be tested-separately- transmission-must-be-in neutral-when-testing-brakes on-any-drive-shaft Drive-front-shaft-onto rollers-----start-tester motor-----Apply-----service brakes-but-do-not-lock wheels- Repeat-the-above-step-for each-axle The-total-braking-force on-a-vehicle-must-be determined-by-adding-the results-of-the-test-on each-axle | Braking-forces-at opposite-wheels-on-same axle-vary-more-than-20%- |
| 7)-Bumper Rear | | | 7)-Bumper Rear | Machine-does-not-register a-total-braking-force-of at-least-60%-of-the vehicle-empty-weight- Braking-forces-at opposite-wheels-on-same axle-vary-more-than-20%- | |

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NOTICE OF ADOPTED AMENDMENTS

| SUBJECT | PROCEDURES/SPECIFICATIONS | REJECT-VEHICLE-IP | SUBJECT | PROCEDURES/SPECIFICATIONS | REJECT-VEHICLE-IP |
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| 7)-Bumper Front | Absent-or-invalid-SB6- | | Using-----Roll-On-----Type Test: | When-using-roll-type test-set-each-vehicle-must-be tested-separately- transmission-must-be-in neutral-when-testing-brakes on-any-drive-shaft Drive-front-shaft-onto rollers-----start-tester motor-----Apply-----service brakes-but-do-not-lock wheels- Repeat-the-above-step-for each-axle The-total-braking-force on-a-vehicle-must-be determined-by-adding-the results-of-the-test-on each-axle | Braking-forces-at opposite-wheels-on-same axle-vary-more-than-20%- |
| 7)-Bumper Rear | | | 7)-Bumper Rear | Machine-does-not-register a-total-braking-force-of at-least-60%-of-the vehicle-empty-weight- Braking-forces-at opposite-wheels-on-same axle-vary-more-than-20%- | |

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NOTICE OF ADOPTED AMENDMENTS

SUBJECT PROCEEDURES/SPECIFICATIONS REJECT-VEHICLE-IF

least-177-inch-(4-5-mm)
 (approximately-3/16-inch)
 thick-or-approved-energy
 absorbing-type.
 Buses---Manufactured---in
 August-1974-or-later---must
 have-7-9-inches-(200-mm)-or
 more-vertical-black-face.
 Bumper-must-extend-to-outer
 edges--of--fenders-and-other
 front--end---sheet---metal.
 Must---be---of---strength--to
 permit-pushing--vehicle--of
 equal-----weight-----without
 permanent-distortion.
 Exception:---Buses

Manufactured---prior-----to
 September-1974---are---except
 from--bumper--thickness-and
 7-9-inch-face-requirement.
 Channel-steel-at-least
 10-inches-(4-55-mm)
 (approximately-3/16-inch)
 thick-with-a-minimum-8-9
 inch-(225-mm)-black-face
 attached--so-as-to-prevent
 hitching-----rides-----from
 nonhitchable.
 Shall-be-attached--so--that
 removal-----is-----possible--by
 commonly---available---hand
 tools.
 Shall-be-of--strength--so
 permit-bus-being-pushed--by
 another-----vehicle-----without
 permanent-distortion.
 "Nonhitchable"---is---defined
 as---the---head---of---the---bus
 being
 designed-and-maintained-to
 prevent-or-dissuade
 riding-or-carrying
 rear-of-bus--so-as

K-1-BUMPER-7
 REAR

AGENCY-NOTE:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

SUBJECT PROCEEDURES/SPECIFICATIONS REJECT-VEHICLE-IF

to-"hitch"-rides:

1)-CERTIFICATION-
 AND
 REGISTRATION
 CARD-HOLDER

At-least-one-card-holder
 with-a-transparent-face
 no-less-than-5-9-inches-by
 3-9-inches-(150-mm-by-100
 mm)---shall---be---securely
 affixed--to---the---inside
 header---panel---out---of
 students-easy-reach.

Does-not-meet
 requirements.

M)-CERTIFICATION

LABEL

1)-Federal

Federal-rules-require-a
 permanently-affixed
 manufacturer's
 certification-label-in
 each-bus-ether
 manufactured-on-or-after
 June-1-1977-or-built-up
 from-a-chassis
 manufactured-on-or-after
 June-1-1977-the
 manufacturer's
 certification-might-be
 supplemented-by-an
 additional-certificate-
 the-manufacturer's-label
 must-contain-the
 following-information:

1)-Name-of-vehicle-(bus)
 manufacturer-and-the
 month-and-year-in
 which-manufacture
 of-the-vehicle-was
 completed.

2)-Name---of---incomplete
 vehicle-(chassis)
 manufacturer-and-the
 month-and-year-in
 which-be-performed
 its-first-manufacturing

A-required-label-is
 absent-defaced
 destroyed-not-secured
 or-not-permanently
 affixed---permanently
 affixed-means-the-label
 cannot-be-removed-without
 destroying-or-defacing-it.

A-certificate-label
 does-not-contain-the
 required-statement-and
 all-other-information
 required-for-that-label.

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NOTICE OF ADOPTED AMENDMENTS

PROCEEDURES/SPECIFICATIONS SUBJECT

on-the-incomplete
vehicle

3) -- Gross-vehicle-weight
rating-or-ratings
(GVWR)†

4) -- Gross-axle-weight
ratings
(SAWR)†

5) -- The statement -- "this
vehicle conforms to all
applicable federal motor
vehicle safety standards
in effect in
(month/year)†"

6) -- The vehicle
identification-number
(VIN)†

7) -- The vehicle's
classification (usually
abus)† -- 49-GR-567-5

After a certification -- A
certified -- vehicle -- might
have -- been -- altered -- before
its -- purchase -- for -- use -- as -- a
school -- bus -- -- -- -- -- the
alterations -- -- -- -- -- may -- -- -- -- -- have
included -- -- -- -- -- but -- are -- -- -- -- -- not
limited to -- classification
changes -- -- -- -- -- gross -- -- -- -- -- weight
rating -- changes -- or -- changes
to -- -- -- -- -- the
application/effective -- date
of -- a -- federal -- motor -- vehicle
safety -- standard. -- -- -- -- -- If -- any
such -- alteration -- occurred --
the -- bus -- -- -- -- -- must -- carry -- on
additional -- federal -- label
information -- -- -- -- -- the
alter -- -- -- -- -- identifies -- -- -- -- -- the
alteration -- was -- -- -- -- -- shown -- -- -- -- -- when
the -- bus -- -- -- -- -- was -- -- -- -- -- certified --
as -- -- -- -- --
GVWR -- SAWR -- and -- classification
the -- changes -- -- -- -- -- in -- month -- -- -- -- -- and
year -- -- -- -- -- the -- bus -- -- -- -- -- has -- been
vehicle -- conforms -- to -- all

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NOTICE OF ADOPTED AMENDMENTS

PROCEEDURES/SPECIFICATIONS SUBJECT

applicable -- -- -- -- -- federal -- motor
vehicle safety standards in
effect in (month/year)† -- 49
GR-567.†

the State of Illinois
regulate a certification
label in each new type-I
bus constructed upon a
chassis -- -- -- -- -- (incomplete
vehicle)
that was manufactured
in April 1977 or later.
This label may be displayed
in either buses --
When displayed, this
label must contain: --
1) -- Name of vehicle (bus)
manufacturer (usually
same as on federal
label)†
2) -- An identification of
the completed bus by
VIN† and
3) -- A statement that the
bus conforms to -- at
applicable -- -- -- -- -- Illinois
minimum -- -- -- -- -- safety
standards -- in effect on
the first day of the
same month shown in
the latest statement of
conformance to federal
standards -- or -- on the
first day of a later
month.

New buses -- that -- have -- been
manufactured -- to -- meet other
than Illinois -- classification
standards -- -- -- -- -- but -- have -- been
sold -- for -- use -- as -- school -- buses --
must -- display a federal -- and
state -- certification -- label
certifying -- -- -- -- -- that

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

SUBJECT PROCEEDURES/SPECIFICATIONS REJECT-VEHICLE-IP

Illinois--requirements have been met.

Used buses that have been manufactured to meet other than Illinois construction standards but have been sold for use in Illinois must either display Federal and State labels or obtain a letter of approval from DOT--administration personnel--verifying--all Illinois--construction standards--have--been--met. Such letters must remain on the bus at all times.

Using heat from heaters

and circulation from fans--defrosting equipment shall keep the windshield the windows to the rear of the operator and the glass in the service door clear of fog frost and snow. Auxiliary fans--are--not considered to--be--a defrosting--and--defogging system--Must conform to Federal standards--49-CFR 571.103

01--DRIVE-SHAFT
GUARD

Shaft--be--of--sufficient strength to protect drive shaft and prevent it from going through floor or dropping to ground if broken--Shaft be equipped on each segment on shaft.

02--ELECTRICAL
SYSTEM

11--Circuits

Breaks--in--insulation are

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

SUBJECT PROCEEDURES/SPECIFICATIONS REJECT-VEHICLE-IP

Test nine-regulator circuits as follows:
11--Head-light-stop (brake) and instrument panels--lamps.
21--Clearance lamps and any lamp in or adjacent to lamp--risers?

31--Interior lamps?
41--Starter motor?
51--Ignition--emergency exit alarm signals and other alarm signals?
61--Turn signal lamps?
71--Alternately flashing signal lamps--and--stop signal--alarm--lamps?

81--Horn?
91--Heater and defroster--A separate fuse or circuit breaker for each circuit?
except starter motor and ignition?

21--Fuses
Two extra fuses for each size--fuse--used--on--the--bus shall be conveniently mounted on the bus body.

31--Switches
Check operation and condition?

Switches--not--operating properly or are missing?

41--Wiring
All wires shall be properly insulated and security attached at not more than 18 inch (46 mm) intervals--Check condition?

Insulation is frayed or missing--Wiring not securely attached?

03--EMERGENCY
EXITS

All buses must be equipped with either a rear emergency door or a left side emergency door and--a--rear--emergency condition?

Do not meet requirements?

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

PROCEDURES/SPECIFICATIONSREJECT-VEHICLE-IF

Window--49-EPR-574-217

17--Left
Side

Shall-be-hinged-on-front
side-and-open-outward.
Shall-be-equipped-with
alarm-and-safety-glass
for-equivalent.---Glass
shall-be-located-in-upper
and-lower-portion-of-the
door.---Door-shall-be-of
at-least-the-same-gauge
metal-as-the-body.---Shall
be-24-inches-or-more
clear--horizontal--opening
with---forward---edge---of
opening---in---line---with---the
rear-most---edge---of---a---seat
back.---Shall-have-45-inches
or-more---clear---vertical
opening.
If-the-bus-is-equipped
with-a-rear-emergency
exit-a
side-exit-is-optional

ASBEX-NOTE:

21--Rear

Shall-be-protected
against-accidental
release-easily
accessibly-and-readily
operated-manually-without
use-of-remote-control
power-driver-or-foot
Shall-have-permanently
attached-latching-and
outside-release-handles-
Outside-release-handle
must-be-non-removable
Release-handle-hinge-on
tighten-onwards
have-a-3/4-inch-or-more
clear---horizontal---opening
and
vertical-opening-above
45-inch-or-more-clear
inside-and-outside
release-mechanisms-are
not-protected-accessible
or-do-not-operate
properly.---Outside
release-mechanism-is
inaccessible.---Door-does-not
open-easily.---Location-of
hinge-is-incorrect.---Side
of-opening-is-incorrect.
Shutting-does-not-meet
requirements.---Screw
condition-of-door-latches
and-safety-latches.---Door
alarm-does-not-operate
properly-tsee-EMERGENCY
EXH--Alarms-and-locks.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

PROCEDURES/SPECIFICATIONSREJECT-VEHICLE-IF

floor---glazing-shall-be
installed-in---upper---and
tower---portions---Alarm
shall-be-audible-at-door
when---door---is---not---fully
latched---while---engine---is
running.---tsee-EMERGENCY
EXH--Alarms-and-locks.
Exception--Buses
manufactured-----before
September-1974-are-exempt
from---glazing---in---tower
portion-of-rear-emergency
door.

Operating-mechanisms-do

37--Emergency
Window
When-the-emergency-door
is-located-on-the-left-side
not-function--Alarm-does
a-rear-emergency-window
shall-be-provided.
Minimum-16-inches-high
and-19-inches-wide.
Designed-to-be-opened-from
the-inside-or-the-outside.
Hinged-on-top-designed
and-operated-to-insure
against-accidental-closing
in-an-emergency.---Inside
handle-shall-provide-for
quick---release---Outside
handle-shall-be-nonremovable
and-nonremovable-when-not
fully-latched-window-shall
release-alarm-audible-to
driver.---No-on-off-switch
allowed.

47--Alarms-and

Additional-visual-alarms
shall-be-at-driver-side
engine-is-running-and-any
emergency-door-either
it-is-not-fully-latched
or
21--is-latched-and-not
readily-operated
manually.
Alarms-do-not-alar
driver-as-required-
locks-do-not-meet
requirements.

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTSPROCEEDURES/SPECIFICATIONSSUBJECT

Also, engine starting system shall not operate while any emergency door is locked by any means that prevents ready manual operation without using a tool key or combination. Alarm cut off or "squench" control is prohibited. Exception: On a bus with chassis incomplete (incomplete vehicle) manufactured in March 1977 or earlier, the March 1977 or earlier alarm not fully attached alarm may only be audible to the seated driver, the engine starting system may operate while the emergency door is locked.

*--ENTRANCE

BEOR

*--Physical

Requirements

Minimum 24-inch horizontal opening.
Minimum 60-inch vertical opening. Jack-knife or split-type door required on buses purchased after September 1974. If split type door is used and one section opens inward and the other outward, front section shall open outward. Door shall be located on the right side near the front convenient to the seated driver's vision. No obstructed vision. Entrance door shall be power or manually operated from the driver's seat and designed to be easily released and prevent accidental opening. No

Binding or jamming is evident; malfunctions not equipped over ride device on power-operated door does not function; control not accessible by driver.

Door is missing, loose or torn.

*--Locks
and
Alarms

A service door lock is not required, but if any type of service door lock system is installed on the bus, the system shall conform to the following:

1) the locking system shall not be capable of preventing the seated driver from easily and quickly opening the service

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTSPROCEEDURES/SPECIFICATIONSREFER-VEHICLE-IF

parts of the hand lever shall come together so as to shear or crush fingers. Vertical closing edges shall be equipped with flexible material to prevent injury to lower and upper panels of door shall be of safety glass or equivalent. Bottom of lower panel shall be not more than 35 inches from ground when unloaded. Top of upper glass panel shall be not more than 6 inches from top of door. No door is permitted to rest of driver.

A service door equipped with power shaft also be capable of manual operation in case of power failure.

Exception: All buses purchased prior to September 1974 are exempt from split-type door. They may be split sedan or jack-knife type.

Locks and alarms do not meet requirements. But, work or distributed parts that would delay quick door release and opening are present.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

SUBJECT PROCEEDURES/SPECIFICATIONSREFER-VEHICLE-IF

door-
 2)--The locking-system-shell
 include-an-audiovisual
 alarm-the-alarm-shell
 emit-sound-and-light-for
 other-visual
 indication-that-demands
 attention-and-will
 alert-the-seated-driver
 when-the-engine-is
 running-and-the-service
 door-is-locked:
 An-alarm-disconnect-
 usquech-control-u-or
 other-alarm-defeating
 or-weakening-device
 shall-be-prohibited:
 Exception:-A---bus---with
 chassis-----incomplete
 vehicle)---manufactured-in
 March-1977-or-later-is
 exempt-from-driver-being
 seated-that-is-the-driver
 may-move-from-driver-seat
 to-inboard-side-of-service
 entrance-to-operate-service
 door-:

3)--EXHAUSTSYSTEM

"Exhaust-System"-includes
 each-component-used-to
 conduct-gas-from-an
 engine-exhaust-port
 (manifold)-to-authorized
 exit-point-including
 each-sealing-connecting
 and-supporting
 component-----Exhaust
 system---shall-be-on-side
 body-and-attached-to
 chassis---See-of-plate
 shall-not-be-replaced-after
 it-leaves-plant---Any
 replaceable-component---shall
 contact-exhaust-gas---shall
 be-----sealing-seal-

All-parts-of-system-are
 not-securely-fastened-and
 supported:
 Any-part-is-leaking
 missing-or-patched:
 Any-part-contains-holes
 not-made-by-manufacturer-

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

SUBJECT PROCEEDURES/SPECIFICATIONSREFER-VEHICLE-IF

System-shall-not-leak-
 System-shall-have-an-outlet
 at-its-discharge-end(s)
 only-:

1)--Shielding

Any-flammable-material,
 elect-cat-----insulation,
 brake-nose-or-fuel-system
 component-containing-fuel
 that-is-located-within-it
 13716-inches-(300-mm)-of-a
 component-----containing
 exhaust-gas-shall-be
 safeguarded-by-a-heat
 shield:
 Exhaust-system-shall-be
 shielded-from-ether
 accident-----contact
 whiting-to-a-standing
 on-except-at-discharge
 end-A-chassis-or-body
 component-may-provide
 required-shield:
 The-exhaust-systems

2)--Discharge

discharge-end-tailpipe
 shall-be-within-98-inch
 (25-mm)-of-bus-side-tear
 or-tear-other-but-not-to
 rear-of-tear-bumper-and-not
 outside-a-side-to-tail
 however-it-may-be-more
 than-98-inch-(25-mm)-below
 bumper-or-body-skirt-See
 shield-not-be-replaced
 tears-a-300-or-other
 operating-to-bus-body-in
 addition-the-discharge
 end-or-end-shall-not-be
 located-in-any-protected
 zone-shown-in-illustration
 B-:

4)--REARERS

Shall-be-property-braced
 and-free-from-any-body
 attachment:

Rearers-are-not-secured-
 in-load-condition-
 Sharp-edges-are-removed-

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

SUBJECTPROCEEDURES/SPECIFICATIONS

covering-of---type---commonly
used-----in-----passenger
transportation---equipment-
the-floor---covering-in-the
aisle---and---entrance---area
shall-----be-----a-----non-skid
wear-resistant
fire-resistant---and---rib
type---commonly---used---in
commercial-----passenger
transportation---vehicles-
covering-----must-----be
permanently-bonded-to-floor
and---must---not---crack---when
subjected-to-sudden-changes
in-temperature---Bonding-or
adhesive-material-shall-be
waterproof---All-seams-must
be-sealed---with---waterproof
sealer.

All-openings-in-floorboard
or-fit-in-between-chassis
and-----passenger-entirety
compartment-must-be-solid
and---sealed---Boots-and
seats-around-shift-levers
and---emergency-brakes-must
be---secure---and---solidly
attached.

Y7--FRAME-ANDBODY

Visually-inspect:

1)-Body-mounts-shall-be
attached-and-seated-to
the-chassis-owl-so-as
to-prevent-the-entry
of-water-dust-or
fumes-through-the
joint-between-the
chassis-owl-and-the
body.

2)-Cross-member-mounting
bolts.

3)-Engine-mounting-bolts-

4)-Frame-shaft-extend-to
rear-of-body-cross
member.

SUBJECTPROCEEDURES/SPECIFICATIONS

5)-Frame-extension-is
permitted-when
alterations-are-behind
rear-hanger-or-rear
springs-and-not-for-the
purpose-of-extending
wheel-base.

Z7--FUELSTORAGEAND-DELIVERYSYSTEM

Entire-fuel-system-
except-extensions-for
driver-control-of-air-or
fuel-must-be-outside
passenger-and-driver
compartment.

Any-part-of-fuel-system-
except-extensions-for
driver-control-of-air-or
fuel-is-within
passenger-driver
compartment.

1)-FuelPillarCap

Meets-federal
specifications---Must-be
the-same-as-or-equivalent
to-original-equipment---49
CFR-393.67

2)-FuelBins

Firmly-attached---No
leakage-seepage
abrasion-or-chafing
Must-be-11 1/2-16-inches
thick---System---that
exhaust-exhaust-gas-or-be
safeguarded---by---a---heat
shield---Inside-engine
compartment---The-chassis
manufacturer's---standard
shaft-overhaul-station-and
shielding---between-parts
designed---by---chassis
manufacturer.

3)-FuelPillar

1)-Cracked-loose
missing-bolts---Any
repair-done-by-welding
body-to-frame
insulation-strip
missing.

2)-Booster-checked-broken
or-missing-

3)-Missing-loose-

4)-Cracked-broken-bolts
rusted-to-a-depth-as
to-substantially-weak-

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

SUBJECTPROCEEDURES/SPECIFICATIONS

frame---welding-except
by-body-manufacturer-
5)-Unless-permitted-
frame-extends-fast
wheel-base.

Z7--FUELSTORAGEAND-DELIVERYSYSTEM

Entire-fuel-system-
except-extensions-for
driver-control-of-air-or
fuel-must-be-outside
passenger-and-driver
compartment.

Any-part-of-fuel-system-
except-extensions-for
driver-control-of-air-or
fuel-is-within
passenger-driver
compartment.

1)-FuelPillarCap

Meets-federal
specifications---Must-be
the-same-as-or-equivalent
to-original-equipment---49
CFR-393.67

2)-FuelBins

Firmly-attached---No
leakage-seepage
abrasion-or-chafing
Must-be-11 1/2-16-inches
thick---System---that
exhaust-exhaust-gas-or-be
safeguarded---by---a---heat
shield---Inside-engine
compartment---The-chassis
manufacturer's---standard
shaft-overhaul-station-and
shielding---between-parts
designed---by---chassis
manufacturer.

3)-FuelPillar

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

SUBJECTPROCEDURES/SPECIFICATIONSREJECT-VEHICLE-IF

gube
47--Fuel Pump
Check condition:
Beaks--or--is-not-secure
Beaks--damaged--or--is-not-secure

57--Fuel tanks
Tank--must-be-safeguarded
by-structure-that-protects-from-side-or-angular-impact-blows--49
EPR-571-301
Exception--A--bus--with-chassis--(incomplete
vehicle--manufactured--in-March-1977--or--earlier--is
exempt-from-being--equipped
with--a--tank--guard-structure

67--Fuel tank mounts
Check condition:
Cracked--loose--or--missing
missing

77--Fuel tank straps
Check condition:
Cracked--loose--or--missing

87--Propane relief valve
Piping
The-relief-valve-discharge--shall-be-vented
to-the-left--or--right--side--of-the-vehicle--and--up
the-outside--near--or--at--the-driver's--station--and--then
to-the-rear--of-the-roof-line--it--must--not--touch
above--this--point--and--must
be-nonhazardous
When--it--is--possible--to--do
so--it--is--recommended--to--run
the--discharge--piping
between--the--tanks--and--outer
walls--of--the--bus

87--GRAB
HANDLES
47--Exterior

At--least--one--step--grab
handle--shall--be--located
on--each--side--at--front--of
testing--or--tossing

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

| SUBJECT | PROCEEDURES/SPECIFICATIONS | REJECT-VEHICLE-IF | SUBJECT | PROCEEDURES/SPECIFICATIONS | REJECT-VEHICLE-IF |
|--------------|--|--|--|--|--|
| | body-so-as-to-provide easy access-to-windshield- Saintless-cled-test-with measurements-not-less-than 19-inches-long-located-in unobstructed-----location inside-doorway- | | ee1--INSTRUMENTS AND INSTRUMENT PANELS | | |
| 21--INTERIOR | | Not-solidly-attached- | | Shall-be-equiipped-with the-following-nonglare illuminated-instruments and-gages-mounted-for easy-maintenance-and repair-and-in-such-a-manner that--each--is--clearly visible--to--the--seated driver--An-indicator-light instead--of--a--pressure-or temperature--gage-----is permissible-----49-----On 571-101 | Does-not-operate properly;-instruments-are missing;-inaccurate readings; |
| bb1--HEADERS | Nameplate-must-identify manufacturer--and-heat rating-capacity--Must-be capable-----of--maintaining inside-temperature--of--59 degrees--The-header-hoses shall-be-supported-to-guard against-excessive-weal-due to-vibration-and-shall-not interfere--with-or-restrict the-operation-of-any-engine function--Any-hose-in-the passenger-compartment-shall be--protected--to-prevent injury-from-burns--in-the event-of-a-rupture- | Poor-working-condition;- defective-hoses;-supports or-baffles- | 11--Speedometer | | |
| | Open-hood-and-inspect safety-catch-and-hinges for-proper-operation- Close-hood-and-inspect for-proper-latch-closure- Manually-inspect-latches or-remote-control-for proper-operation- | | 21--Odometer | | |
| ee1--HOOD | | | 31--Fuel-Gauge | | |
| | At-least-one-horn-shall be-provided-giving-an audible-----warning-at distance-of-200-feet-and shall-----be-----conveniently controlled-----from-----the operators-seated-position- Location--12-60+-of-the 11-inches--ventilator-Equipment law1 | | 41--Oil-Pressure-Gauge | | |
| | | | 51--Water-Temperature Gauge | | |
| | | | 61--Ammeter-with-governed charge-and-discharge indicator | | |
| | | | 71--High-beam-head-light indicator | | |
| | | | 81--Brake-and-stgnal indicator | | |
| | | | 91--Air-pressure-or-vacuum gauge-when-at-a vacuum-brakes-are used1 | | |
| | | | 101--Bright-light-lighter indicator | | |
| dd1--HORN | | Horn-control-is-missing;- defective-or-not-ender | | the-control-and-switches shall-be-shown-clearly indicated-----with-----a pressure-of-----40-lbs-which-----shall-----be-----checked-----at-----least-----every-----100-miles-----and-----a-----note-----be-----made-----of-----any-----malfunction-----and-----corrective-----action-----taken----- | Does-not-meet requirements- |
| | | | eff--INSULATION | | |
| | | | | 991--BODYSKIN | |
| | | | | 11--Exterior | Does-not-meet |

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

| SUBJECT | PROCEEDURES/SPECIFICATIONS | REJECT-VEHICLE-IF |
|--|--|--|
| | Shall-be-equiipped-with the-following-nonglare illuminated-instruments and-gages-mounted-for easy-maintenance-and repair-and-in-such-a-manner that--each--is--clearly visible--to--the--seated driver--An-indicator-light instead--of--a--pressure-or temperature--gage-----is permissible-----49-----On 571-101 | Does-not-operate properly;-instruments-are missing;-inaccurate readings; |
| 11--Speedometer | | |
| 21--Odometer | | |
| 31--Fuel-Gauge | | |
| 41--Oil-Pressure-Gauge | | |
| 51--Water-Temperature Gauge | | |
| 61--Ammeter-with-governed charge-and-discharge indicator | | |
| 71--High-beam-head-light indicator | | |
| 81--Brake-and-stgnal indicator | | |
| 91--Air-pressure-or-vacuum gauge-when-at-a vacuum-brakes-are used1 | | |
| 101--Bright-light-lighter indicator | | |
| | the-control-and-switches shall-be-shown-clearly indicated-----with-----a pressure-of-----40-lbs-which-----shall-----be-----checked-----at-----least-----every-----100-miles-----and-----a-----note-----be-----made-----of-----any-----malfunction-----and-----corrective-----action-----taken----- | Does-not-meet requirements- |
| eff--INSULATION | | |
| 991--BODYSKIN | | |
| 11--Exterior | | Does-not-meet |

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

PROCEEDURES/SPECIFICATIONS

REJECT-VEHICLE-IP

manufacturer's name
embimty-or-other
identification-may-be
displayed-(colorless-or
any-color)-on-any
unglazed--surface--of--the
bus.

requirements--lettering
on-decals-are-not-black
distinct-required-or
allowed.

A)--Front

"SCH00B-BUS"-in-black-at
least-eight-inches-(200
mm)-high-placed-as-high
as-possible-on-body-or
sign-attached-thereto.

Does-not-meet
requirements--lettering
is-not-black--distinctly
required-or-allowed.

vehicle-number-assigned-for
identification--shall--be-a
minimum-of-four-inches-(100
mm)-high--and--located--as
high--as--practicable.
Decals--are--permissible.
All--lettering--must--be
black. (Section-12-002-of
the--Illinois--Vehicle
Equipment-Law)

B)--Rear

owner's-name-and-school
district-number-must-be
at-least-four-inches
high--approximately
centered--and--as-high--as
practicable--below--window
line. (Section-12-002-of
the--Illinois--Vehicle
Equipment-Law)

if-bus-is-equipped-with-a
side-emergency-door--or
emergency-windows-which-are
knock-out-type-are-to
be--labeled--"EMERGENCY"
Eight-in-letters-at-least
two-inches-high-directly
below-window.
Optional-vehicle-number
assigned-for-identification
may--be--displayed-at-a
minimum-height--of--four
inches-(100-mm).

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

PROCEEDURES/SPECIFICATIONS

REJECT-VEHICLE-IP

Decals--are--permissible.
All--lettering--must--be
black.

C)--Rear

"SCH00B-BUS"-in-black
lettering-at-least-eight
inches-(200-mm)-high
placed-as-high-as

lettering-or-arrows-are
not-black--distinctly
required-or-allowed.

possible--on--body--or--sign
attached-thereto. (Section
12-002--of--the--Illinois
Vehicle--Equipment--Law)
"EMERGENCY"---DOOR---or
"EMERGENCY"---EXIT---in
lettering--at--least--two
inches--high--at--top--of
emergency-door--or--directly
above--or--on-door-glazing
at-least-4-inches-(112-mm)
above-floor-level.

"EMERGENCY-EXIT"-(for-buses
without--rear--emergency
door)--in--letters--at-least
two-inches--high--directly
below--rear--emergency
door--or--on-exit-glazing
at-least-4-inches--above
floor-level--An-arrow-at
least-5-9-inches-in-length
and-3-4-inches-in-width
indicating-direction--each
release-mechanism-should-be
turned--to--open--door--or
window-located-within-5-9
inches--of--release-handle
in-black--vehicle-number
assigned-for-identification
shall-be-at-minimum-4-inches
(100-mm)-high--Decals-are
permissible--4-4-lettering
must-be-black.
If-bus-uses--tearage
fuel-(gas)-propeller
ENGINE-vehicle-must-be
marked-with-identifying

Buses-using-alternate
fuel-are-not-property
marked-with-decal--Decal
is-in-wrong-location.

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

SUBJECT

PROCEEDURES/SPECIFICATIONS

REFER-VEHICLE-IF

decal--Such-decal-shall-be
diamond-shaped--with--white
or--silver--scotchlike
letters-one-inch-in-height
and-a-stroke-of-the-brush
at-least-1/4-inch-wide-on-a
black-background--with--a
white-or-silver-scotchlike
border-bearing-either--the
words-or-letters--

"PROPANE"--if-propelled-by
liquefied--petroleum--gas
other--than--liquefied
natural-gas--or
"NGV"--if-propelled-by
compressed--natural--gas--
the-sign-or-decal-shall-be
maintained--in-good-legible
condition--

the--alternate--fuel--decal
shall-be--displayed--on--or
near--the--rear--bumper--and
visible--from--the--rear--of
vehicle-- (Section 12-704.3
of--the--Illinois--Vehicle
Equipment-Band)

B)--Right

lettering-or-decals--are
not-black--distinctly
required--or--allowed--

Owner's-name-and-school
distorted-number-must-be
at-least-four-inches-100
mm)-high-approximately
centered--and--as--high--as
possible-below-window-line--
(Section 12-803--of--the
Illinois--Vehicle-Equipment
Band)
the--lettering--lettering
must-be-at-least-two-inches
tall--high--

1)--The-word-"CAPACITY"--
or-abbreviation
"CAP."-and-the-rated
passenger-capacity
followed-by-the-word

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

SUBJECT

PROCEEDURES/SPECIFICATIONS

REFER-VEHICLE-IF

"PASSENGERS"--or-the
abbreviation-"PASS."--
shall-be-displayed-on
the-outside-of-the
body-near-the-rear
edge-of-the-service
entrance--

2)--Empty-weight--in-both
pounds-and-newtons--
must-be-shown--Empty
weight-is-indicated
by-"EMV"-and-newtons
is-indicated-by
"N." (Section 12-902
of-the-Illinois-Vehicle
Equipment-Band)

3)--if-emergency-window
is-installed--
"EMERGENCY-EXIT"
shall-be-displayed-on
or--immediately-below
emergency-window--

Manufacturer's
identification--name--of
emblem--may--be--displayed--
but--not--on--separate--door
steering--Manufacturer's
name--or--emblem--must--not
interfere--with--required
lettering--Beats--are
permitted--At--lettering
must-be-check--

Exception--A--bus--with
chassis--incomplete--in
vehicle--manufactured--in
March-1977--or-later--need
not-show-empty-weight-in
newtons--

Weight--in-newtons--(N)--
weight--in-pounds--(Lb)--
4-440222-101-4447--

ASSEMBLY-NOTE:--

2)--The-letter
A)--Right

Does-not-appear
in-the-vehicle-
reference-section

Both-letters-C-and-N-are
must-be-used-to
indicate-10-mm+high-and

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

SUBJECT PROCEDURES/SPECIFICATIONS REFLECT-VEHICLE-IF

contrasting sharply with required or allowed:

background---A---colorless
background---strip---(such as
white) aluminum or---silver
may---be---used---Decks are
permitted:

On---right---side---Either
"CAPACITY" or "CAP." plus
numerals---showing---rated
passenger---capacity
followed---by---either
"PASSENGER" or "PASS."

As---nearly---as---practicable
opposite---the---center---of
star---but---to---right---of
inside---interior---either---NO
STANDBEES---or---NO-STANDBEES
PERMITTED."

A red cross formed of---five
equal---squares---with---words
"FIRE-ALARM"---shall---be
displayed---on---the---the
compartment door or cover
it---the first aid kit is to
be carried in the locked
compartment:

the---word---"FIRE"
"FIRE-ALARM"---shall---be
displayed---on---the---the
compartment door or cover
it---the fire extinguisher is
to be carried in the locked
compartment:

Exception---On---a---bus---with
class---if---the complete
vehicle---manufactured---in
March---1977---or---earlier---NO
STANDBEES---need---not---be
opposite---center---of---star
and---the word---"PASSENGERS"
or---"PASS." is optional:

BY---Beet

A---stop---line---in
contrasting color is
required between 5-9 and
6-1 inches (150 mm) and
Does not meet
requirements---line or
line and reflecting in the
black-district required
or allowed

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

SUBJECT PROCEDURES/SPECIFICATIONS REFLECT-VEHICLE-IF

150 mm) below the top of allowed:

the window opening---the
line---shall---be---located
between each window---that
slides downward:

"EMERGENCY-DOOR" or
"EMERGENCY-EXIT" in
letters---at---least---two
inches---(50 mm)---high

painted---or---permanently
affixed---either---directly
above each emergency---exit
or---on---metal---of---exit
(door or window) or on top
of exit facing at least 4
inches---(112 mm)---above
floor---An arrow indicating
the direction in which to
move---release---mechanism
handity to open emergency
exit---shall---be---painted
permanently---affixed---with
six inches of each release
handle---Affixing---and
arrow must contrast with
background---Beet---are
permitted:

BY---Bright

A---stop---line---in
contrasting color is
required between 5-9 and
6-1 inches (150 mm) and
150 mm) below the top of
the window opening---the
line---shall---be---located
between each window---that
slides downward---Beet
are permitted:
Instructions---for emergency
operation of a---power
operated door---shall---be
affixed---permanently---on---the
inside---of---the door---in
letters---at---least---5-1/2 inch
high---Beet---are

Does not meet

requirements---line or
line and reflecting in the
black-district required
or allowed

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

| SUBJECT | PROCEDURES/SPECIFICATIONS | REQUEST-VEHICLE-IP |
|----------------|--|--------------------|
| permitted: | | |
| 1)---BISHWS | | |
| 1)---Back-Up | two-white-lights-shall-be provided. Must meet federal standards. 49 CFR-571.108 | |
| | Exception: All buses purchased prior to September 1974 are exempt, however, for any unit equipped with back-up lamp, they must be operational. | |
| 2)---Clearance | | |
| Front | two-clearance-lights mounted at highest and widest portions of the body. Must conform to federal standards. 49 CFR-571.108. May be combined with side-marker lamp. | |
| 3)---Clearance | | |
| Rear | two-clearance-lights (red) mounted at highest and widest part of body. Must conform to federal standards. 49 CFR-571.108 | |
| 4)---Cluster | | |
| Front | three amber lights mounted at center front rear top of body above usch005-BUS sign. Must conform to federal standards. 49 CFR-571.108 | |
| 5)---Cluster | | |
| Rear | three red-lights mounted at center rear near top of body either above or | |

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

| SUBJECT | PROCEDURES/SPECIFICATIONS | REQUEST-VEHICLE-IP |
|--|---------------------------|--------------------|
| below "SCH005-BUS" sign: | | |
| Must conform to federal standards. 49 CFR-571.108 | | |
| 6)---Flashing Lights | | |
| All school buses purchased after December 31, 1975, shall be equipped with an eight light flashing signal system with two red and two amber flashing signal lamps mounted above windshield spaced no less than three feet apart and at same horizontal level. The rear of the vehicle shall be equipped with two red and two amber flashing signal lamps mounted and spaced no less than three feet apart and at same horizontal level. Minimum diameter 5-1/2 inch sealed beam. | | |
| Effective December 31, 1978, all school buses shall be equipped with the eight light flashing signal system described in the above paragraph. Section 12-005 of the Illinois Vehicle Equipment Law. | | |
| A separate circuit breaker and a master switch shall be provided for this signal system. When in the off position, this master switch shall prevent the following: | | |
| 1) Operation of the lamp system. | | |
| 2) Operation of any lamp mounted on the stop signal arm. | | |
| 3) Operation of any | | |

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

SUBJECT PROCEEDURES/SPECIFICATIONS REFLECT-VEHICLE-IP

electricity
controlled-mechanism
that-would-cause-the
stop-signal-arm-to
extend.

the-controls-for-the-eight
lamp--flashing-signal--the
stop--signal--arm--and--the
service-entrance-door-shall
be--arranged--so--as--to
provide--for--the-following
sequence--of--operations
while--the--engine--is
running.

1)-Place-the-actuator
flashing-signal-system
master-switch-in-its
off-position--Close
and-secure-the-service
entrance-door.

Actuate-the
alternately-flashing
signal-system-hand-or
foot-control--The
alternately-flashing

signal-lamps-of-both
yellow-lamp--or--red
color-shall-not-go-on--
until-the-master-switch
is-on--and-the-hand-or

foot-control-actuated
open-the-servo
door--The-actuator
flashing-signals-of
either-color-shall-not
go-on-and-the-stop
signal-arm-shall-not
extend.

2)-After-the-servo-hand-or
foot-control--Place
the-actuator
flashing-signal-system
master-switch-in-its
on-position--Close
and-secure-the-servo
door--Open-the

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

SUBJECT PROCEEDURES/SPECIFICATIONS REFLECT-VEHICLE-IP

service-door--The
alternately-flashing
signal-lamps-of-either
color-shall-not-go-on
and-stop-signal-arm
shall-not-extend.

4)-Close-and-secure-the
service-door--Actuate
the-alternately
flashing-signal-system
by-hand-or-foot

control--A-yellow
pilot-lamp-in-the-view
of-the-driver-and-the
yellow-alternately
flashing-signals-shall
go-on.

5)-Release-but-do-not
open-the-servo
door--The-yellow
pilot-and-the-yellow
alternately-flashing
signals-shall-go-off--
A-red-pilot-lamp-in
the-view-of-the-driver
and-the-red

alternately-flashing
signals-shall-go-on--
The-stop-signal-arm
shall-extend.

6)-Partly-open-the-servo
door--The-red-pilot
and-red-signals-shall
remain-on-and-the-stop
arm-shall-remain
extended.

7)-Close-but-do-not
secure-the-servo
door--The-red-pilot
and-red-signals-shall
remain-on-and-the-stop
arm-shall-remain
extended.

8)-Open-the-servo
door--The-red-pilot
and-red-signals-shall

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NOTICE OF ADOPTED AMENDMENTS

SUBJECTPROCEEDURES/SPECIFICATIONSRUBBER-VEHICLE-IP

remain-on-and-the-stop
arm-remain-extended.
97--Open-the-service
door--Alternately
flashing-signals-of
either-color-shall-not
go-on-and-the-stop-arm
shall-not-extend.

77--Headlights

Do-not-meet-requirements.

Shall-have-at-least-two
sealed-beam-headlamps-with
at-least-one-mounted-on
each-side-of-the-front-of
the-bus--Bump-body-must-be
securely-attached--Buses
reflectors--bubs--etc.
must-be-in-good-condition
properly-aimed-see-Aiming
procedures--below--and-fill
reghted-intensity--Shall
conform-----to-----Federal
standards--49-CFR-571.108

A7--Aiming

Headlights-are-not-aimed
properly.

Use-approved-calibrated
headlamp-tester-according
to-----manufacturers
instructions--The-headlamp
tester-shall-be-in-good
repair-and-calibration.
A7--type-----424--lamps
regardless-of-size-must-be
aimed--and--tested--on--low
beam.
Check--for-bulb-burnout-and
proper-beam-switching.
Check-spacing-for-sag-or
broken-leaves.
Clean-lenses.

B7--Test

Procedures

17--Upper-Beam-Aim
Applies-Only-to-5-3/4
inch-type-----seated-beam
headlamp-units.
27--Lower-Beam-Aim

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NOTICE OF ADOPTED AMENDMENTS

SUBJECTPROCEEDURES/SPECIFICATIONSREJECT-VEHICLE-IP

The-following-type-headlamp
units-are-to-be-tested-only
on-the-lower-beam:

5-3/4-----inch-type-----424
seated-beam7-or
7-----inch-type-----424--seated
beam.

87--Interior

Adequate-to-illuminate
aisles7-step-well7-and
emergency-passageways.
Bees-not-provide-adequate
lighting7-cracked-or
broken-lenses7-improper
color.

97--License
Plate

Adequate-White-light-to
illuminate-license
plate--49-CFR-571.108.
May-be-combined
with-one-or-the-tail
lights.

107--Marker
Beft

Two-lamps--one-amber-at
front-and-one-red-at
rear7-mounted-as-high-as
practicable--Shall
conform-to-federal
standards--49-CFR-571.108
Exception--All-----buses
purchased-----prior-----to
September-1974-are-exempt.
Bees-not-meet
requirements--does-not
function-properly7
improper-color7-cracked
or-broken-lenses.

117--Marker
Right

Two-lamps--one-amber-at
front-and-one-red-at
rear7-mounted-as-high-as
practicable--Shall
conform-----to-----Federal
standards--49-CFR-571.108
Exception--All-----buses
purchased-----prior-----to
September-1974-are-exempt.
Bees-not-meet
requirements--improper
color7-cracked-or-broken
lenses.

127--Parking
Bright

Shall-be-one-lamp-on-each
side7-white-or-amber
Bees-not-meet
requirements7-improper

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

PROCESSES/SPECIFICATIONS

SUBJECT

stands---Must---conform---to
federal-standards---49---EPR
571.108

17)---Turn

Signal

Belt

(armored)

Does-not-meet
requirements---does-not
function-property
improper-color-cracked
or-broken-lenses

Flush-mounted-"armored"
type-amber-clearance-lamp
mounted-behind-drivers
seat-at-seat-level-and
sub-rail-height
Functions-with-regular-turn
signal
Exception---All-----buses
purchased-----prior-----to
September-1974---are---exempt
from---having---test---armored
turn-signals

18)---Turn

Signal

Right

(armored)

Does-not-meet
requirements---does-not
function-property
improper-color-cracked
or-broken-lenses

Flush-mounted-"armored"
type-amber-clearance-lamp
mounted-at-approximately
seat-level-and-sub-rail
height-just-to-top-of
service---door-----Functions
with-regular---turn---signal
lamps
Exception---All-----buses
purchased-----prior-----to
September-1974---are---exempt
from---having---right---armored
turn-signals

19)---Turn

Signal

Front

Does-not-meet
requirements---does-not
function-property
improper-color-cracked
or-broken-lenses

One-amber-lamp-at-test
four-inches-in-diameter
or-12-1/2-square-inches
located-on-each-side-at
or-near-the-front-of-vehicle
shall-be-located-at-the
same---height---and---as-far
apart-----as---practicable
lamps---must---conform---to

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

PROCESSES/SPECIFICATIONS

REPEAT-VEHICLE-IP

federal-standards---49---EPR
571.108

Operate-turn-signals-and
four-way-warning-hazards
to---check---performance---of
front-and-rear-lights

20)---Turn

Signal

Rear

Chassis-manufactured
after-March-31-1977
must-have-two-7-inch
diameter-or-19-square
inch-amber-lenses
mounted-on-the-rear-as-far
apart---and---as---high---as
practicable---below---rear
window---49---EPR-571.108
Exception---Chassis
manufactured-prior-to-April
17-1977-may-have-yellow-or
red-turn-signals-with-amber
lenses---49---EPR-571.108

Does-not-meet
requirements---improper
color---does-not-function
property-cracked-or
broken-lenses

11)---BACKED

COMPARTMENT

Pile-extinguisher
first-aid-kit-and
warning-devices-may-be
stored-either-in-a
closed-unlocked
compartment-or-under-lock
and-key-provided-the
locking-device-is-connected
with-an-automatic-warning
signal-that---will---alert
driver---when-compartment-is
locked---the-automatic
alarm-shall-be-sound-while
and-while-pole-is-sealed
driver---the-alarm---shall
start-the-engine-when-the
engine-is-running-and-the
compartment-is-locked-and
not-readily-opened-without
using---a---key---or
combination---An---alarm

Not-readily-accessible-to
driver-testing-or
identification
alarm-does-not-function
property-when-compartment
is-locked-and-vehicle-is
running

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

PROCEEDURES/SPECIFICATIONS

SUBJECT

cut-off-----or-----"aquelechn"
control-is-prohibited-
Each-safety-item-inside-the
compartment-shall-be-named
on---the---outside--of--the
compartment-cover-or-door-
in-addition---a--RBB--ERESS
formed---of---five---equal
squares-shall-be-displayed
on-the-cover-when-the-first
aid---kit---is---inside--the
compartment-
Exception---A---bus---with
chassis---manufactured---in
March---1977---or---earlier---need
not-have-a-visible-alarm-

537--MIRRORS

Every-required-mirror
shall-be-or-reflecting
material-protected-from
abrasion--scratching--and
corrosion--Mirror-shall
be-clearly-installed-on
stake-supports--so-as-to
give---a---clear---stable
reflected---view---Mirrors
shall-be-adjustable--so-as
to---give---and---maintain---its
required-field-of-view-

538--Exterior
A--Rear
View
Driving

Shall-be-mounted
outside---Must-give
seated-driver-a-view-to
the-rear-along-each-side
of-bus---Must-be-at-least
50-square-inches-of
plane---flat---reflecting
reflecting-surface-on---each
side---49-OR-57-inches
A-convex-driving-mirror-may
be-installed-to-expand-the
driving-view-to-the-rear
provided---the-mirror---flat

Boes-not-meet
requirements--defective
excessively-clouded-not
adjustable-not-securely
attached-cracked-or
broken-glass-

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

PROCEEDURES/SPECIFICATIONS

SUBJECT

reflecting---surface---is
rectangular-and-is-at-least
50-square-inches-
Exception---When--a--convex
driving-mirror-is-installed
on--a--bus--manufactured-in
August-1974-or-earlier-the
shape---flat---reflecting
surface---need---not---be
rectangular-but-must-be-at
least-50-square-inches-

539--Right
Side
Safety

An-outside-convex-mirror
either-alone-or-in
combination-with-the
driving-mirror-system
shall-give-the-seated
driver-a-view-of-the
roadway---along-the-right
side-of-the-bus-between
the-most-forward-surface-of
the-right-front-tire-and
the-rear-of-the-rear
bumper---the---protected
reflecting-surface-of-this
convex-mirror-shall-be-at
least---40---square-inches
17-18-inches-diameter-if-a
cylinder-
Extra-wide-angle---convex
mirror---heads---are
permissible-on-tight-front
corner-only-
Exception---A-right-safety
mirror-is-optional-on-a-bus
manufactured-in-August-1974
or-earlier-

540--Left
Side
Safety

The-seated-driver-shall
have-a-reflected-view-of
the-roadway-along-the
left-side-of-the-bus
between-the-front-ends-of

Boes-meet
requirements--defective
defective--excessively
clouded-not-adjustable
not-securely-attached
cracked-or-broken-glass-

Boes-not-meet
requirements--defective
excessively-clouded-not
adjustable-not-securely
attached-cracked-or

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

PROCEDURES/SPECIFICATIONS

REJECT VEHICLE-IP

SUBJECT

PROCEEDURES/SPECIFICATIONS

REJECT VEHICLE-IP

Exception:--Hoods--may--be
rustless-----black-----or
rustless-----school-----bus
yellow.

11)--PROJECTIONS

11)--Exterior

Entire--rear--and--bumper
area--of--bus--must--be
nonhitchable.

AGENCY
NOTE:

"Nonhitchable" is defined
as--the--rear--of--the--bus
being-----designed-----and
maintained--to--prevent--or
discourage-----riding-----or
grasping--rear--of--bus--so--as
to--"hitch" rides.

21)--Interior

Interior--shall--be--free--of
all--unnecessary
projections--Remainding
projections--shall--be
padded--to--prevent
injury--which--includes
line--lining--of--cabin
and--water--insulation
of--book--racks--is--not
permissible.

Exemption:--All--buses
purchased--prior--to
September--1974--may--be
equipped--with--book
racks:--However,--if--book
racks--are--present,--they
shall--be--above--side--windows
and--shall--not--extend
forward--of--the--front--seat
or--across--or--above--the
emergency--door:--Racks--must
be--free--of--projections
likely--to--cause--injury.

mm)--REFLECTORS

11)--Front

Two--yellow--light--or
sheet--type--taillight--front
reflectors--shall
be--attached--securely--and

Projections--are--not
padded--(e.g., external
speakers):--Book--racks
are--present.

Rush-mounted--speakers
are--exempt--from--padding
requirements.

Bus--buses--purchased--prior
to--September--1974,--book
racks--do--not--meet
requirements.

Missing--or--damaged

reflective--material--not
located--or--positioned--as
required.

21)--Rear--Side

One--amber--at--or--near--the
front--and--one--red--at--or--

Missing--or--damaged
reflective--material--not

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

PROCEDURES/SPECIFICATIONS

REJECT VEHICLE-IP

SUBJECT

PROCEEDURES/SPECIFICATIONS

REJECT VEHICLE-IP

as--far--as--forward-----as
practicable. (Section
12-202-----of--the--Illinois
Vehicle--Equipment--Law) They
shall--be--located--between--15
and--60--inches--above--the
roadway--at--either--fender
corner--or--body--and--installed
so--as--to--mark--the--outer
edge--of--the--maximum--width
of--the--bus:--No--part--of--the
required-----reflecting
material--may--be--observed--by
any--other--portion--of--the
bus:--No--part--of--the
required-----reflecting
material--may--be--more--than
11.8--inches--(300--mm)
inboard--of--the--outer--edge
of--the--nearest--hub--flange--(12
inches--on--a--bus--with
chassis--manufactured--in
March--1977--or--earlier):
When--reflector--may--be--any
shape-----e.g.,--square
rectangle-----circular--oval
etc.:--A--right--type--reflect
reflector--may--be--any--size
if-----permanently--marked
either--DOT--SAB--A7--or--SAB--d
594:--Otherwise,--it--shall
display--at--least--seven
square--inches--of--reflecting
material--(about--3--inch
diameter--if--a--solid
circular)-----sheet--type
taillight--reflector--may
conform--to--the--surface--on
which--it--is--installed--but
its--forward-----projected
reflecting--area--shall--be--at
least--eight--square--inches.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

| SUBJECT | PROCEEDURES/SPECIFICATIONS | REFER-VEHICLE-IF | SUBJECT | PROCEEDURES/SPECIFICATIONS | REFER-VEHICLE-IF |
|----------------------|--|------------------|-----------------------|--|------------------|
| PT--SEAT DRIVER'S | <p>installed---however---the belt---need---not---remain above floor---but---must---not---be excessively---dirty.</p> <p>the---driver's---seat---shall be---rigidly---positioned---and shall---afford---vertical forward---and---backward adjustments---of---not---less than 3-9---inches---(100-mm)---without the---use---of---a---tool---or non-attached---device---the shortest---distance---between the---steering---wheel---and---the back---rest---of---the---operator's seat---shall---be---no---less---than 11---inches---(280-mm).</p> <p>Seat---padding---and---covering shall---be---in---good---condition free---from---holes---and---tears.</p> <p>Seat---cushions---shall---be securely---fastened---to---the seat---frame.</p> | | PT--SEAT PASSENGER | <p>All---seats---shall---have---a minimum---front---to---rear depth---of---14---inches.</p> <p>In---determining---seating capacity---of---a---bus individual---seating---width shall---be---13---inches---where 3---or---4---three-pupits---on---both sides---of---a---seat---seating plans---are---used---and---15 inches---where---3---or---4---three pupits---on---one---side---of aisle---and---two-pupits---on other---side---of---a---seat---plan is---used.</p> <p>All---seats---shall---be---forward facing---and---shall---be securely---fastened---to---that</p> | |
| | <p>Not---securely---anchored---to floor---in---poor---condition? adjustment---mechanism---does not---function---properly.</p> | | | <p>Not---firmly---attached---to body---broken---frame cushions---not---firmly attached---padding---and covering---not---fire resistant---padding---or covering---in---hopper---in poor---condition---or misaligned---seats---attachment or---have---holes---minimum seating---dimensions---on---seat spacing---are---not---in compliance.</p> | |

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

SUBJECT PROCEDURES/SPECIFICATIONS

of the Illinois Vehicle
Equipment-Belt
Buses--manufactured after
December 31, 1987--shall
have--28--inch--guard
barriers.
All--buses--manufactured
during and after September
1974 shall be equipped with
energy absorbing padding on
all exposed top and side
rails--the side rails
shall be padded in such a
manner to retain the 12
inch--wide--45--inches at
two--inches--below top of
seat--back--for--buses
manufactured after June 30,
1987--on the rear of a
seat--back--the padding
shall extend from the top
of the seat back to the top
level of the seat cushion.
Seat padding and covering
shall be of fire resistant
material--padding--and
covering shall be in good
condition--fire free from
holes and tears--Set
cushions shall be security
fastened to the seat frame
Opportunities--the rear most
seats may be exempt from
seat--back--padding
requirements.
Except for All--buses
manufactured prior to
September 1, 1974--the exempt
from padding--on top and
side rails and seat back to
cushion level--Buses
produced prior to
September 1, 1974--may be
equipped with--padding
seats--if so equipped
they must meet the

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

SUBJECT PROCEDURES/SPECIFICATIONS REFER-VEHICLE-IF

the following
requirements:
1) Fiber glass seats must
meet all foregoing
provisions for seats
except those
concerning
construction of seat
cushions and seat
backs.
2) Fiber glass seats
shall combine rigid
construction of welded
tubular steel with
contoured matched
die formed or
hand sprayed molded
plastic shell.
Exposed steel shall be
stainless steel or
shall
be finished with baked
enamel.
3) Plastic shell shall
consist of good
compressive
fire resistant
color pigmented resin
reinforced with glass
fibers in such manner
as to void seat--etch
sections--Shells
shall be shaped to
provide maximum
comfort.
4) Both metal frame and
plastic shell shall
have rounded corners
and be free from sharp
edges.

1) SEATING
SYSTEM
1) Except
At--Kang
Pins
Reference--to--

Wheel--locking--movement

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

PROCEEDURES/SPECIFICATIONSREJECT-VEHICLE-IF

united-kingpins-brakes
should-be-applied-to
eliminate-wheel-bearing
looseness)-Bitter-grasp
wheel-at-top-and-bottom
or-use-a-bar-for
leverage-Attempt-to
rock-wheel-in-and-out-
Check-movement--at--extreme
top--or--bottom-of-tire--if
movement--exists--place--a
dial--indicator--t--tape
measur--or--fixed-device
at--the--wheel--and--measure
amount-of-movement--
Place--leverage--bar--under
tire--Raise--bar--to-check
for--vertical--movement
between-spindle-and-support
axis-

B)-Linkage

For-buses-with-single-axle
beam-of-the-type-front
axle-toilet-bus-under-axle-

For-buses-with
twi-axle-beam-type-front
axle-or-with-axle-frame
control-arms--each-axle
or-arm-must-be-housed
independently-so-as-to
load--the--ball--joint-
Grasp-front--and--rear--of
tire--and--attempt--to--shake
assembly--right--and--left--to
determine--linkage
looseness--Measure
movement-of-wheel,
inspect-for--damage--to--ot
looseness--in--the
following-linkage
components:

1)-Ball-joints
2)-Cotter-pins
3)-Drag-link
Any-linkage-component-is
bent, widened, loose or
insecurely-mounted-or

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

PROCEEDURES/SPECIFICATIONSREJECT-VEHICLE-IF

4)-Idler-Arm missing-
5)-Pitman-Arm
6)-Steering-Box
7)-Tie-Rod
8)-Tie-Rod-Ends
6)-Power SteeringManually-and-visually inspect
1)-Belts
2)-Cylinders
3)-Pitid-Bever
4)-Hoses
5)-Mounting-Brackets
6)-Power-Assist
7)-Pump
Steering-components-are:
1)-Booster-Braved
cracked, missing,
incorrect-belts-
2)-Boose-and/or-leaking-
3)-Low-fluid-level
4)-Cracked-leaking-
rubbed-by-moving
parts-
5)-Cracked-loose-or
broken-
6)-No-egg-it-is-evident-
7)-Booster-leaking-

B)-Toe-In/

With-wheels-hold-in-a
straight-ahead-position-
drive-vehicle-slowly-over
the-approved-drive-on
side-slip-indicator-
Excessive-toe-in-or-toe-out
is--a--general--indication
that--complete-check-should
be-made-of-all-front-wheel
alignment--factors--(caster
camber,--steering--axis
inclination)-

B)-Wheel

With-the-front-end-of-the
vehicle-tilted-so-as-to
load-any-ball-joint-
grasp-the-front-tie-top
and-bottom-tie-t-in-and
out--Record-movement--to
verify-that--any--looseness
detected--is--in--the-wheel
bearing--Notice--the
relative--movement--between

Relative movement-between
drum-and-backing-plate-
measured-at-tire-is-1/4
inch-or-more-

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

PROCEEDURES/SPECIFICATIONSREFER-VEHICLE-IPSUBJECT

the-brake-drum-or-disc--and
the-backing-plate-or-splash
shield.
Wheel-bearing-play-can-be
eliminated-by-applying
service-brakes.

AGENCY-NOTE:

2)-Interior

A)-Column
Inspect-to-determine-that
column-support-bracket-is
properly-tightened-and
all-bolts-are-present.

B)-Dash

With-road-wheels-in
straight-ahead-position,
turn-steering-wheel-until
a-turning-movement-can-be
observed-at-the-left-road
wheel.-Slowly-reverse
steering-wheel-motion-and
measure-tash.

C)-Shaft

Grasp-steering-wheel-with
both-hands-and-attempt-to
move-shaft-up-and-down.

D)-Steering

Wheel
Inspect-steering-wheel
condition.

E)-Travel

Turn-steering-wheel
through-a-left-right-and
left-turn-checking-for
binding-jamming-and
complete-travel-left-and
right.

F)-SPBBS

Steps-shaft-be-enclosed
and-shaft-not-rotate

Column-support-bracket-is
not-properly-tightened-or
bolts-are-missing.

Dash-exceeds-following
acceptable-limits:

Steering-----Acceptable
Wheel-----Tash-t-inches
Maximum-----Measured-at
diameter-----Maximum
t-inches) stemflexure
16-or-less-----2
18-----2-1/4
20-----2-1/2
22-----2-3/4

Steering-shaft-moves-up
and-down.

Steering-wheel-is
damaged.-Any-spokes-are
missing--or-reinforcement
ring-is-exposed.

Binding-or-jamming-is
present.-Does-not
complete-full-turn-from
left-to-right--the-tub
on-feder-or-frame-during
turn.

Steps-or-tubes-are-not
solid.-Steps--tubes-or

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NOTICE OF ADOPTED AMENDMENTS

PROCEEDURES/SPECIFICATIONSREFER-VEHICLE-IP

beyond-side-body-line:
Surface-shall-be-of
nonskid-material-with-1
1/2-to-3-inch-white-posing
as--pat--of-the-nonskid
material--Riser--of-upper
step--not--more--than--15
inches--in--height--When
more--than--two--steps--are
used--risers--must--be
approximately--of--equal
height--except--when--floor
is--plywood--over--steel
t-increase--by--thickness-of
plywood.)

F)-STOP-ARM

PANELS

A-stop-arm-panel-must-be
installed-on-the-left
side-of-the-bus-and-may
be-operated-either
manually-or-mechanically.
The-arm-shall-be-a
hexagon-shaped-semaphore
approximately--18--inches
wide-and-18-inches-long-and
of--16-gauge-metal--The
stop-arm-signal-shall-have
the-usual-painted-on--both
sides--in--white-letters-a
least-six-inches-high-with
a-----brush-----spoke
approximately--7/8--inches
wide--the-word--STOP
shall-be-painted-on-a-panel
with-red-background--of
16-inches--remaining-area
of--stop-arm-blade-is-to-be
painted-white-with-a-band
of--white-border-at-least
1/2-inch-wide-painted-from
and-rear-on-both-sides--as
contrast--White-bottom-of
stop-arm-signal-shall-be
reflected-on-shaft-have

Step-arm-panel-is-in-poor
condition-till-r-faded
peeling-or-rusted.
lights-do-not-operate
property-till-installed.
not-securely-attached.
not-operating-property.

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PROCEEDURES/SPECIFICATIONSSUBJECT

double-faced lamps with red lens---approximately---four inches in diameter---located in the top and bottommost position---of---the---blade---these lamps shall light and flash---when stop arm is extended and likewise turn off and stop flashing when arm is closed---Beads may be---used---in---fin---of painting.

(Section 12-003---of---the Illinois Vehicle Equipment Law)---(See illustration---A for example.)

WV1--STORAGE
COMPARTMENT
top front

covered fire resistant container security fastened---of---adequate strength and capacity for tie chains and tools for minor emergency repairs.

WV1--SUN VISOR

interiorly adjustable transparency not less than 6 inches by 30 inches installed above windshield Mast not interfere with view of interior rear view mirror.
Exemption---Buses purchased prior to August 1965 are exempt---from---having---a transparent sun shield.

WV1--SUSPENSION

Bus shall be equipped with front and rear double acting shock absorbers compatible with manufacturer's rated axle capacity.

Severe leakage (not slight damage) occurs. Mounting bolts or mounts are broken or loose or rubber bushing is partially or completely

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PROCEEDURES/SPECIFICATIONSREJECT VEHICLE IF

With vehicle on a hoist or jacked up visually inspect shock---absorbers---for excessive---leakage looseness---of---mounting brackets and bolts. Physically grab upper and lower portion of shock inspect for looseness in rubber bushing---mounting brackets or bolts.

27--SpringsA7--Coil

Visually inspect---
17--spring
27--control arms
37--torque arms (rear)
Coil is missing
disconnected broken
loose bushings welded or damaged

B7--Leaf

With use of a pry bar and using frame as a pivot attempt to pry front and rear spring attachments and check for movement. Front of vehicle must be jacked up on chassis for checking front suspension---visually inspect---
17--Springs
27--Shackles
37--Hangers
47--U-bolts
57--Center bolts
67--Bushings or pivot
Springs are broken
Shackles or U-bolts worn or loose---Enter bolt in springs sheared or broken---Steering stops allow tire to rub on frame or metal---Any leaves are cracked or missing---Any shackle7 shackle pin7 hanger7 or U-bolts are worn7 tooser7 or missing7

B7--TorsionBar(StabilizerBar)Visually inspect:

17--Torsion bar
27--Mounting brackets
37--Control arms
47--Torque arms (if applicable---rear)
57--Stabilizer bars (if applicable)

Missing disconnected
broken loose welded
damaged

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NOTICE OF ADOPTED AMENDMENTS

PROCBURBS/SPECIFICATIONSREJECT-VEHICLE-IPSUBJECT

xxj--TOW-HOOKS
topionalt
1j--front

A-front-tow-hook-must-not extend-beyond-the-front of-the-front-bumper.
Each-front-tow-hook-must be fastened--securely--to-the chassis--frame--shall-be connected-to-the-frame--by suitable-braces.

2j--Rear

Any-tow-hook-1j-installed on-the-rear-shall-be attached-or-braced-to-the chassis--frame-or-to-an equivalent--structural member-of-an-integral-type bus--A-tow-hook-must-not extend-beyond-the-rear-face of-the-rear-bumper.

yyj--UNDERCARRIAGE

Fire-resistant undercoating-material applied-to-entire-underside of-body--front--members--wheel-wells--floor-members--and-side-panels-below-floor level--Non-metallic-parts need-not-be-coated.

zzj--VENTILATION

Body-must-be-equipped with-ventilating-system capable-of-supplying proper-quantity-of-air under-operating-conditions.

aaa--WARNINGS
BEVIGES

Either-three-red-etch flags-not-less-than-12 inches-square-and-three red-reflectors-minimum-of-3 inches-in-diameter-or-three brightest-possible-emergency triangles-which-conform-to 49-68B-571-25 fSection 12-702-of-the-11101s

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PROCBURBS/SPECIFICATIONSREJECT-VEHICLE-IP

Vehicle-Equipment-Bolt--Kit shall-be-securely-stored.

bbb--WHBBS

1j--HousingsPut-open-type-attached to-floor-sheet-to-prevent water-runes-or-dust entering-the-body.
Inside-height-should-not exceed--10--inches--above floor
Inner--Housings-shall-allow for-unimpeded-wheel--and tire-service-or-removal.
Housing--shall--provide clearance--for-insulation and-use-of-tire-chains--on the-dual-or-single-tire installed--on-the--rear wheel.
Inspect-tire-and-load wheel-assemblies.

2j--Rim

Inspect-1j-wheel-and-tim bolts-nuts-suds-fusy looking-tingy--etc--Each cover-capt-or-protective ring-that-observes-any-of these-tams-must-be removed-prior-to--the inspection.
Inspect-for-visible-wheel damage.

A-tire-or-wheel-is rubbing-against-any portion-of-the suspension--chassis--or body.

Any-wheel-or-tim-sewing device-should-put both-ends-into-ting-or other-type-sewing device--to-secure-ting or-closed.

Wheel-1j-rotating-potest are-logged-oversted or-logged-oversted--any part-of-a-wheel-or-tim-is cracked--or--tested--by welding--or--tested--or damaged--or--tested--or vehicle.

Regrooved-retested-or

Regrooved-retested-or

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PROCESSES/SPECIFICATIONS

AGENCY NOTE:--

"ru"-in-size designation shows radial construction. Note: Piles at trend than sidewall shows belted construction. Same number of piles at trend and sidewall without a belted or radial indication shows plain bias construction. Piles on same axle must be of same construction.

Inspect tires for size designation and for matched construction.

"Construction" refers to bias, bias belted, or radial arrangement of ply cords in the tire carcass. Inspect each single dual tire assembly.

A mixture of regular and mud and snow treads must be same on both sides of axle.

When radial and conventional tires both used on a vehicle, one of the following two requirements shall be met:--

- 1--On vehicles with one single wheel axle and one or more dual wheel axles radial tires shall be used on the steering axle only.
- 2--On vehicles having two single wheel

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SUBJECT

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axles radial tires shall be used on the rear axle only. A tube built only for bias tires shall not be installed in a radial tire. Red color shall not be added to stem of a bias tube. Valve stem of tube for radial tires either marked radial or has a marking or is paired red. If a radial tube and tie may be used in a bias tire.

Inspect valve stems. A valve stem that is cracked, so tight, damaged or distorted so as to hamper pressure checking or inflation shows evidence of wear because of misalignment. Do not meet requirements. Not properly identified.

ceet) windows

Applicable provisions of 49 CFR 541.205 apply to the optional limited safety glass and also to any plastic material used in a multiple glass unit.

Steering shall be marked as follows: passenger 49 CFR 541.205.

- 1) Wind deflector AS 1 Glass
- 2) Passenger window AS 1 Glass or AS 2 Glass
- 3) Driver's door AS 1 Glass or AS 2 Glass

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PROCEEDURES/SPECIFICATIONS
REFLECT-VEHICLE-IP

PROCEEDURES/SPECIFICATIONS
REFLECT-VEHICLE-IP

PROCEEDURES/SPECIFICATIONS

SUBJECT

door--an--additional--lower
window--panel--shall--be
installed--so--the--driver--has
an--additional--view--through
such--panel--at--least--the
width--of--the--required--state
and--as--low--and--high--as
practicable--Any
authorized--or--required
signs--letters--or--numerals
displayed--on--the--window--in
the--rear--of--the--bus--shall
be--located--at--least--44
inches--above--floor--line--

Does--not--meet--emergency
opening--requirements--
Window--does--not--open
easily--Glass--is--cracked
or--broken--Stop--lines
are--missing--

Each--side--window--shall
provide--unobstructed
emergency--opening--at
least--9--inches--high--and
22--inches--wide--obtained
either--by--lowering--window
or--by--use--of--knock--out--type
split--sash--A--Stop--line
is--required--six--inches--from
top--of--window--on--at
windows--Safety--glass--with
exposed--edges--shall--be
banded--
Window--latches--must--be--in
proper--working--order--

Batcher--do--not--operate
properly--

Window--is--not--firmly
sealed--or--attached--
Glass--is--broken--cracked--
or--discolored--(not
including--allowed--tint)--

Shall--be--installed
between--front--corner
posts--and--designed--not--to
obstruct--driver's--view--
(Section--12--50--of--the
Illinois--Vehicle--Equipment
Act)--Window--shall--be
sealed--to--top--edge--of--frame--
rated--safety--glass--shall
only--be--allowed--six--inches
below--top--of--window--line--

Washer--does--not
effectively--clean--entire

Washed--washer--shall
effectively--clean--entire

4)--All--other--locations--
AS--1--Glass--AS--2
Glass--or--AS--3--Glass--

The--following--provisions
have--been--established--in
accordance--with--49--CMR
511-217--
If--the--bus--is--not
equipped--with--a--rear
emergency--door--a--rear
emergency--window--shall--be
provided--The--window
shall--be--16--inches--in
height--and--as--wide--as
practicable--It--shall--open
from--the--inside--and--the
outside--and--be--top--hinged--
It--shall--be--devised--and
operated--to--inmate--against
accidents--closing--in--an
emergency--Inside--handle
shall--provide--for--quick
release--Outside--handle
shall--be--nondetachable--and
nonhitchable--When--not
fully--latched--window--shall
activate--signal--audible--to
driver--No--cut-off--switch
allowed--

Operating--mechanisms--do
not--function--properly--
Alarm--signal--does--not
function--properly--Glass
is--cracked--or--broken--

Visibility--through--rear
windows--is--obstructed--
Rear--viewing--is--not--at--least
44--inches--above--floor
level--Glass--is--cracked
or--broken--

2)--Rear
Glazed--panels--or
window--latches--
emergency--window--shall
be--of--fixed--type--and
installed--at--the--rear--of
the--bus--so--the--seated
driver--has--an--unobstructed--view
through--the--rear--of--the--bus
as--wide--and--as--high--as
practicable--Such--view
shall--be--as--low--as--allowed
by--the--back--of--the--rear
seats--When--the--emergency
extends--to--a--rear--emergency

4467--WINDSHIELD
WASHER

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PROCEEDURES/SPECIFICATIONS

area-covered-by-both
wipers-
Exception--All-----buses
purchased-----prior-----to
September--1974-are-exempt.
However,--if-bus-----is-----so
equipped,--washer-must-be-in
good-operating-condition.

REFLECT-VEHICLE-IP

area-or-does-not-operate
property:

see--WINDSHIELD
WIPER

two-automotive-variable
speed-wipers-with
nonglare-arms-and
blades--Need-not-be
individually-powered.
Wiper-does-not-cover
entire-cleaning-area.
Blades-are-damaged, torn,
hardened, or rubber
wiping element has broken
down--Wiper-fails-to-park
properly-when-shut-off.

4394, effective
19 Ill. Reg. _____
MAY 13 1998
repealed at 19 Ill. Reg. _____

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Section 451 APPENDIX B Inspection Procedures/Specifications for Type II School Buses (Repealed)

SUBJECT

a)--AIR-CLEANER

b)--AIRSB

Same-as-Section-451-Appendix-A(a)-

Unobstructed-minimum-clearance-leading-from-service
door-to-emergency-door-at-rear-of-bus-must-be-a-least--12
inches--wider--floor-to-ceiling-height-must-be-a-minimum-of
50-9-inches-at-any-location-within-the-bus.
Reject-procedures-same-as-in-Section-451-Appendix-A(b)-

c)--ALTERNATOR
(GENERATOR)

The-generator-or-alternator-with-certifier-shall-have-a
minimum-capacity-rating-of-55-amperes-and-shall-be-capable
of-meeting-all-electrical-requirements.
Reject-procedures-same-as-in-Section-451-Appendix-A(a)-

d)--AXES

Meets-federal-chassis-requirements-as-indicated-on-federal
certification-label--49-CFR-568-Wheel-base-shall-not-be
less-than-123-inches.
Reject-procedures-same-as-in-Section-451-Appendix-A(d)-

e)--BARRIER
SHAB

Shall-be-either-the-following-type-A-or-B:

type-A--Constructed-and-securely-pegged-to-five-head-and-
knee-impact-protection--installed-at-the-rear-of-service
entrance-at-least-23-inches-ahead-of-seat-back-and-no-more
than-one-foot-from-right-hand-wait-bottom-shall-be-no-more
than-two-inches-above-floor--Bolted-bottom-shall-be-not
width-and-above-floor-height--The-seat-back-on
right-front-forward-facing-seat--provided--however--the
height--shall-be-equal-to-or-greater-than--the--height--of
12-inches-wide-service-entrance--way--and--the--height--of
a-grab-handle--the-grab-handle--shall-not-exceed--the--height--of
one-foot-ahead-of-the-rear-of-service-door-opening-not-more
than--one-foot--the-space--above--any--service-door--No
portion--of--the--space--shall--be--greater--than--one-foot--for
tripping--or--the--space--shall--be--greater--than--one-foot--for
tripping--or--the--space--shall--be--greater--than--one-foot--for
type-B--A-structure--post-shall-be-secured-to-the-rear-end
left-of-the-rear-entrance--The--height--of--the--structure--
ceiling--with--guard--rail--at--least--one-foot--above--the--floor--
above--the--hood--A--step--board--and--ladder--shall--be--some
structure--to--allow--entry--and--exit--from--the--bus--and--the
two-inches-of-floor--clearance--between--step--and--the

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| SUBJECT | PROCEEDURES/SPECIFICATIONS | SUBJECT | PROCEEDURES/SPECIFICATIONS |
|--|---|---|--|
| 1)---BATTERY-OR BATTERIES | Seat-should-be-at-least-24-inches-measured--from--panel--to front--of--seat--back--at--cushion--heights--All--stanchions and--guard--rails--shall--be--padded--Padding--on--the--stanchions shall--extend--to--within--3--inches--of--ceiling--and--floor--on guard--rail--it--shall--extend--from--wall--to--stanchion---49-CFR 569. Exceptions--All--buses--manufactured--prior--to--September--17 1977--require--Type--A--or--B---Buses--manufactured--from September--17--1977--to--March--31--1977--require--Type--A. Exception--Buses--manufactured--after--April--17--1977--are--not required--to--have--guard--barriers. Reject--procedures--same--as--in--Section--451:Appendix-A(4): | 7)---SERVICE BRAKES | Same--as--Section--451:Appendix-A(1)(7): Power-assisted-brakes--are--required---49-CFR-571:105 |
| 2)---BRAKES 1)---Parking 2)---Drums 3)---Emergency Parking 4)---Emergency Brake Ratchet | Battery-may-be-mounted-either-in-engine-compartment-or-on outside--of--passenger-driver--area---Battery--shall--be-a nominal-12-volt-type--it--shall--be--of--sufficient--capacity to--supply--all--electrical--requirements--but--shall--be--rated not--less--than--either--40-ampere--hours--at--the--20-hour discharge-rate-or-105-minutes-at--the--25-ampere--discharge rate. Reject--procedures--same--as--in--Section--451:Appendix-A(4): | 7)---BUMPER FRONT | Manufacturers--standard--for--vehicle--or--an--equivalent--bumper which--meets--or--exceeds--manufacturers--standards--Black color--is--not--required. Reject--procedures--same--as--in--Section--451:Appendix-A(1): |
| 3)---BATTERY CABLES | Exceptions--All--buses--manufactured--prior--to--September--17 1977--require--Type--A--or--B---Buses--manufactured--from September--17--1977--to--March--31--1977--require--Type--A. Exception--Buses--manufactured--after--April--17--1977--are--not required--to--have--guard--barriers. Reject--procedures--same--as--in--Section--451:Appendix-A(4): | 7)---BUMPER REAR | Manufacturers--standard--for--vehicle--and--so--attached--or shutted--between--body--and--bumper--as--to--prevent--hitching rides--or--tows---Black-color-is--not--required. Exception--A--bus--manufactured--in--October--1970--or--earlier is--exempt--from--having--a--non-hitchable--bumper. Reject--procedures--same--as--in--Section--451:Appendix-A(1): |
| 4)---BATTERY CARRIER | Battery-may-be-mounted-either-in-engine-compartment-or-on outside--of--passenger-driver--area---Battery--shall--be-a nominal-12-volt-type--it--shall--be--of--sufficient--capacity to--supply--all--electrical--requirements--but--shall--be--rated not--less--than--either--40-ampere--hours--at--the--20-hour discharge-rate-or-105-minutes-at--the--25-ampere--discharge rate. Reject--procedures--same--as--in--Section--451:Appendix-A(4): | 7)---CERTIFICATE-AND REGISTRATION CARD-HOLDER | Not required--for--Type-II: |
| 5)---BRAKES 1)---Parking 2)---Drums 3)---Emergency Parking 4)---Emergency Brake Ratchet | Reject--procedures--same--as--in--Section--451:Appendix-A(4): | 7)---CERTIFICATION | Same--as--Section--451:Appendix-A(4): |
| 6)---BATTERY CABLES | Same--as--Section--451:Appendix-A(4): | 7)---FEDERAL | Inspect--Federal--label--with--a--chassis--(incomplete-vehicle) manufactured--after--November--10--1970. Inspection--procedures--are--same--as--in--Section--451:Appendix A(1)(2)--for--Federal--label. |
| 7)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---STATE | Type-II--buses--are--exempt--from--State--certification-labels: |
| 8)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Defrosting--equipment--shall--keep--the--windshield--and--the window--to--the--left--of--the--operator--and--the--glass--in--the service-door--clear--of--fog--frost--and--snow--using--heat--from heaters--and--circulation--from--fans---Must--conform--to--Federal standard--49--CFR--571:103---Auxiliary--fans--are--not considered--to--be--a--defogging--and--defogging--system. Reject--procedures--same--as--in--Section--451:Appendix-A(1): |
| 9)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 10)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 11)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 12)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 13)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 14)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 15)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 16)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 17)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 18)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 19)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 20)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 21)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 22)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 23)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 24)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 25)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 26)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 27)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 28)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 29)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 30)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 31)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 32)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 33)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 34)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 35)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 36)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 37)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 38)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 39)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 40)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 41)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 42)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 43)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 44)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 45)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 46)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 47)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 48)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
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| 51)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
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| 53)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 54)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 55)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
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| 67)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 68)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 69)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 70)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 71)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 72)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 73)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 74)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 75)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
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| 79)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 80)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 81)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 82)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 83)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
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| 85)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 86)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 87)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 88)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 89)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 90)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 91)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 92)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 93)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 94)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 95)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
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| 99)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |
| 100)---BATTERY CARRIER | Same--as--Section--451:Appendix-A(4): | 7)---BEEPERS | Same--as--Section--451:Appendix-A(4): |

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SUBJECT PROCEDURES/SPECIFICATIONS

alternate flashing signal lamps and the stop signal lamps. Circuits may be added as necessary. Reject procedures same as in Section 45: Appendix A(f)(1).

2) -- Puses Same as Section 45: Appendix A(f)(2).

3) -- Switches Same as Section 45: Appendix A(f)(3).

4) -- Wiring Same as Section 45: Appendix A(f)(4).

4) -- EMERGENCY EXITS

1) -- Left Side Same as Section 45: Appendix A(f)(1).

2) -- Rear

Shall open outward with a 120-degree minimum swing. Upper portion of each door shall contain fixed safety glazing. Shall be equipped with an alarm. Shall be equipped with fastening device which can be quickly released from inside and outside the body. The outside fastening device must be non-kickable. Shall be protected against accidental operation and must be easily accessible from the inside. Must be operated only by moving handle as shown by arrow and without use of remote control power device. Key, tool or any attached or unattached object other than the release handle. 45: ER-57(f)(2).

Exception: On a bus manufactured in August 1974 or earlier the emergency exit shall be in the center of the rear end exempt from 120-degree swing and may open either vertically or horizontally.

Reject procedures same as in Section 45: Appendix A(f)(2).

3) -- Emergency Window and Locks

Same as Section 45: Appendix A(f)(3).

Audible and visible alarms shall alert driver when the engine is running and any emergency door other than the front hatch is opened or 2) is locked and not readily operated manually. Also, the engine starting system shall not operate while any emergency door is locked by any means that prevents ready manual operation without using a key or combination. An alarm cut-off or "squelch" control is prohibited.

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On a van conversion any rear cargo door inside lock of the type installed by the chassis manufacturer shall be commonly used in cars. "Push pull" type shall be made inoperable. The mechanism cannot be through-jacking vibration etc. cause the door to become locked and inoperable from the inside or outside.

Exception: On a bus with chassis (incomplete) vehicle manufactured in March 1977 or earlier the engine starting system may operate while the emergency door is locked. The "No-Stop engine" requirement applies to every bus.

Exception: On a bus manufactured in August 1974 or earlier the "No-Pull" batched alarm is optional. The "Door-locked" alarm is required on each bus with a lockable emergency door.

Reject procedures same as in Section 45: Appendix A(f)(1).

1) -- ENTRANCE DOOR

1) -- Physical Requirements

Door shall be located to right of operator and operated by an over-center control. Upper portions of door shall be safety glass or equivalent. Exposed edges must be beveled.

Each door on the right side of the vehicle hinged or sliding except the service door shall be made permanently inoperative by means other than the stop button on the outside of the body.

Reject procedures same as in Section 45: Appendix A(f)(1).

A service door lock is not required but of any type of service door locking system is installed on the bus the system shall conform to one of the following:

- 1) -- The locking system shall not be capable of preventing the seated driver from easily and quickly opening the service door.
- 2) -- The locking system shall include an override alarm. The alarm shall emit a sound and light for other visual indication that a demand operation and with at least the seated driver when the engine is running and the service door is locked. An alarm disconnect squelch control or control dam defeat or weakened device shall not be

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installed.
Exception:--On-a-bus-manufactured--in--October--1979--or earlier--option--#1--above--is--exempt--from--driver's--seat--to--be--seated--that--is--the--driver--may--move--from--driver's--seat--to--interior--of--service--entrance--to--release--the--door.
Reject--procedures--same--as--in--Section--45i-Appendix-A(4)(3):

3)-EXHAUST-SYSTEM

Exhaust-pipe-muffler-and-tail-pipe-shall-meet manufacturers--standards-and-shall-be-outside-the-bus-body and-attached-to-chassis--tail-pipe-shall-not-extend-beyond rear-bumper--Size-of-tail-pipe-shall-not-be-reduced-after it-leaves-muffler--The-tail-pipe-shall-exit-the-exhaust gases-either-to-the-right-or-left-side--behind-the-rear wheel-well-or-at-the-rear-bumper--Exhaust-system-shall-be insulated-by-metal-shield-when-it-is-12-inches-or-less-from fuel-tank-or-tank-connections--No-part-of-exhaust-system shall-pass-within-12-inches-of-any-flexible-brake-line-or hose-unless-shielded.
Reject-procedures--same--as--Section--45i-Appendix-A(4):

4)-PENBERS

Same-as-Section-45i-Appendix-A(4):

4)-PIPER-OIS

Same-as-Section-45i-Appendix-A(4):

4)-PIRB

EXCHANGISHER

Same-as-Section-45i-Appendix-A(4):

4)-PIRST-AID

Same-as-Section-45i-Appendix-A(4)-with-following

exception:

type--if--first-aid-kit--is--required-to-have-one-package when-two-packages--are--required--in-type-I-kits.

4)-PEBGRS-AND

PEBR

COVERINGS

Aplywood-of-5/8-inches-external-BB-grade-or-equivalent material-shall-be-applied-over-the-existing-steel-floor-and security-fastened--Covering-in-under-seat-area-shall-be-of fire-resistant-floor-covering-of-type-commonly-used-in passenger-transportation-equipment-and-shall-have-a minimum thickness-of-1/2-inches--The-floor-covering-in-the-aisle shall-be-considered--heat-resistant--fire-resistant-and-to type--Pie-plate-floor-covering-shall-have-a minimum thickness-of-1/40-inches.

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SUBJECTPROCEDURES/SPECIFICATIONS

All-floor-coverings-must-be-permanently-bonded-to-the-floor and-must-not-crack-when-subjected-to-sudden-changes-in temperature--Bonding-or-adhesive-material-shall-be waterproof--All-seams-must-be-sealed-with-waterproof sealer--All-openings-in-floorboard-or-fire-wall-between chassis-and-passenger-carrying-compartment-must-be-solid and-sealed.
Boots-and-seats-around-shift-levers--and--emergency-brakes must-be-secure-and-solidly-attached.
Reject-procedures--same--as--in--Section--45i-Appendix-A(4):

4)-PRAMB-AND

BODY

Same-as-Section-45i-Appendix-A(4):

4)-PUEB-STORAGE

ANB-DEBIVERT
SYSTEM

4)-PUEI-PITIEZ

Cap

Same-as-Section-45i-Appendix-A(4)(1):

4)-PUEI

Lines

Same-as-Section-45i-Appendix-A(4)(2):

4)-PUEI

Pittier

Tube

Same as Section 45i-Appendix A(4)(3):

4)-PUEI

Pump

Same-as-Section-45i-Appendix-A(4)(4):

4)-PUEI

Tanks(4)

Minimum-capacity-of-24-gallons--mounted--filled--and-vented entirely--outside--body--Must--meet--manufacturers specifications--49-CFR-571.301.

Reject-procedures--same--as--in--Section--45i-Appendix-A(4)(5):

4)-PUEI

Tank

Same-as-Section-45i-Appendix-A(4)(6):

4)-PUEI-Tank

Straps

Same-as-Section-45i-Appendix-A(4)(7):

4)-Propane

Relief

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SUBJECT PROCEEDURES/SPECIFICATIONS

Valve/Piping

Same as Section 451:Appendix A(4)(b):

AND--SPRAB
HANDLES

1) --Exterior Not required:

2) --Interior Shall be of stainless-steel-installed-inside doorway-solidly-attached-on-left-side--and-as-long-as practicable

Reject-procedures-same-as-in-Section-451:Appendix-A(4a)(2):

AND--HEADERS

Must-be-capable-of-maintaining-inside-temperature-of 50-degrees--The-header-hoses-shall-be-adequately-supported to--guard-against-excessive-weird-due-to-vibration-and-shall not-interfere-with-or-restrict-the-operation-of-any-entire function--Any--hose-in-the-passenger-compartment-shall-be adequately-protected-to-prevent-injury-from-bus--in-the event-of-exposure--Primary-header-shall-be-a-high-output fresh-air-type

The-secondary-header-may-be-a-recirculating-type--and located-so-as-not-to-interfere-with-adequate-space

Reject-procedures-same-as-in-Section-451:Appendix-A(b)(2):

Same-as-Section-451:Appendix-A(4c):

AND--HORN

Bus-tested-to-horns-shall-be-provided-giving-an audible-warning-at-a-distance-of-300-feet-and-shall-be conventionally-controlled--from--the--operator's--seated position

Reject-procedures-same-as-in-Section-451:Appendix-A(4d):

AND--INSTRUMENTS
AND--INSTRUMENT
RANGES

Same-as-Section-451:Appendix-A(4e):

Same-as-Section-451:Appendix-A(4f):

AND--BATTERING

Same-as-Section-451:Appendix-A(4g)(1):

Same-as-Section-451:Appendix-A(4g)(1)(1)-with following-exception:

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SUBJECT

Exception:--All-buses-purchased-prior-to-September-1-1977 may-have--roof-mounted-"SCH006-BUS" sign-with-flashing-red lights:

Same-as-Section-451:Appendix-A(4g)(1)(1)(b):

Same-as-Section-451:Appendix-A(4g)(1)(1)(c)-with following-exception:

In-case-of-"push"-or-"pull"-type-of-release-mechanism-where the-direction-of-movement-to-open-emergency-exit-cannot-be shown-by-one-arrow--either-three-or-four-separate-arrows shall-be-placed-equally-spaced-as-practically-possible--the object-to-be-pushed-or-pulled-with-the-hand--of-each-crew adjacent-to-and-pointing-directly-at--that--object--Beach arrow-shall-be-the-same-color-and-when-placed-together--the same-size-as-thought-to-be-a-single-arrow--In-addition--the-petition-word-"PUSH"-or-"PULL"-shall-be-displayed-near the-object:

AGENCY--NOTE--If-adequate-space-is-not-available--in required-positions-for-emergency-door-latching--latching may-be-immediately-below-window-level:

Owner's-name-and-number-of-school-district-must-be at-least-four-inches-high--approximately-centered-and-as high-as-practicable-below-the-window-line

(Section-12-B)(2)-of-the- Illinois-Vehicle-Equipment-Act

1) --The-word-"CAUTION"-or-the-abbreviation-"CAPT"- and-the-related-passenger-symbols--formed-by the-word-"PASSENGERS"-or-the-abbreviation "PASS"-shall-be-displayed-on-the-outside-of-the-body near-the-rear-edge-of-the-service-entrance

2) Empty-weight-in-pounds-shall be-shown-on-bus:

(Section-12-B)(2)-of-the- Illinois-Vehicle-Equipment-Act

3) --"EMERGENCY-Exit"-shall-be-on-an-immediately-learn emergency-window--it-is-placed--Marked-emergency identification-name-embossed-or-numbered--may-be displayed-outside-on-service-door-latching:

Marked-number--name-embossed-or-numbered-not-necessarily-registered--Beach-or-beach-number--with-latching-must-be-located--Beach-or-beach-number--in-Section-451:Appendix-A(4g)(1)(1)(b):

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NOTICE OF ADOPTED AMENDMENTS

SUBJECT PROCEEDURES/SPECIFICATIONS

2)--Interior

A)--Front Same-as-Section-45i-Appendix-A(gg)(2)(A);

B)--Rear Same-as-Section-45i-Appendix-A(gg)(2)(B);

C)--Rear "EMERGENCY-DOOR" in letters at least two inches high directly over emergency door exit. "Emergency" door operating instructions applied to door. Arrow or arrows required unless push or pull type of release mechanism is used;

In the case of a "push" or "pull" type of release mechanism where the direction of movement to open the emergency exit cannot be shown by one arrow either three or four straight arrows shall be placed as equally spaced as practicable around the object to be pushed or pulled with the head of each arrow adjacent to and pointing directly at that object. Each arrow shall be the same color and when practicable, the same size as though it were a single arrow. In addition, the pertinent word "PUSH" or "PULL" shall be displayed near that object.

Reject procedures--same--in-Section-45i-Appendix A(gg)(2)(C);

D)--Right Same-as-section-45i-Appendix-A(gg)(2)(B);

hht)--BIGHWS

I)--Back-Up Same-as-Section-45i-Appendix-A(hh)(1);

2)--Clearance

Front Same-as-Section-45i-Appendix-A(hh)(2) with following

exception:

Buses less than 80 inches wide or 20 feet long are exempt. (Section-12-202(a) of the Illinois Vehicle Equipment-Baw)

3)--Clearance

Rear Same-as-Section-45i-Appendix-A(hh)(3) with following

exception:--

Buses less than 80 inches wide or 20 feet long are exempt. (Section-12-202(a) of the Illinois Vehicle Equipment-Baw)

4)--Elevator

Same-as-Section-45i-Appendix-A(hh)(4) with following

exception:

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SUBJECT PROCEEDURES/SPECIFICATIONS

Buses less than 80 inches wide or 20 feet long are exempt. (Section-12-202(a) of the Illinois Vehicle Equipment-Baw)

5)--Elevator

Rear Same-as-Section-45i-Appendix-A(hh)(5) with following exception:

Buses less than 80 inches wide or 20 feet long are exempt. (Section-12-202(a) of the Illinois Vehicle Equipment-Baw)

6)--Fleashing

Same-as-Section-45i-Appendix-A(hh)(6);

7)--Headlights

Same-as-Section-45i-Appendix-A(hh)(7);

8)--Interior

Same-as-Section-45i-Appendix-A(hh)(8);

9)--License

Plate Same-as-Section-45i-Appendix-A(hh)(9);

10)--Marker

Belt

Same-as-Section-45i-Appendix-A(hh)(10);

Exception:--A bus manufactured in August-1974 or earlier is exempt.

Buses less than 80 inches wide or 20 feet long are exempt. (Section-12-202(a) of the Illinois Vehicle Equipment-Baw)

11)--Marker

Right

Same-as-Section-45i-Appendix-A(hh)(11) with following exception:

Exception:--A bus manufactured in August-1974 or earlier is exempt.

Buses less than 80 inches wide or 20 feet long are exempt. (Section-12-202(a) of the Illinois Vehicle Equipment-Baw)

12)--Parking

Same-as-Section-45i-Appendix-A(hh)(12);

13)--Step-Well

Same-as-Section-45i-Appendix-A(hh)(13);

14)--Stop

Same-as-Section-45i-Appendix-A(hh)(14);

15)--Strobe

(optional) Same-as-Section-45i-Appendix-A(hh)(15);

16)--Tall

Same-as-Section-45i-Appendix-A(hh)(16);

17)--Turn

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

SUBJECT PROCEEDURES/SPECIFICATIONS

Signal
Left
(removed)

Same as Section 45: Appendix A(h)(1) with following exceptions:

- 1) Shall be located behind driver's seat;
- 2) Buses with capacity rating of less than 33 passengers are exempt; Buses manufactured in August 1974 or earlier are exempt; Buses that measure less than 80 inches wide or 20 feet long are exempt.

18) Turn
Signal
Right
(removed)

Same as Section 45: Appendix A(h)(1) with following exceptions:

Exceptions: Buses with capacity rating of less than 33 passengers are exempt; Buses manufactured in August 1974 or earlier are exempt; Buses that measure less than 80 inches wide or 20 feet long are exempt.

19) Turn
Signal
Front

One meter or white lens on each side at or near the front at the same height and as far apart as practicable; Must meet Federal standard 49 CFR 571.100; Recirculate same as Section 45: Appendix A(h)(1).

20) Turn
Signal
Rear

One red or amber lens on each side at the same height and as far apart as practicable below window; Must meet Federal standard 49 CFR 571.100; Recirculate same as Section 45: Appendix A(h)(2).

21) Bumper
COMPARTMENT

Same as Section 45: Appendix A(1).

22) Mirrors

Same as Section 45: Appendix A(7).

23) Exterior
A) Rear
View

An adjustable convex mirror at least 7-1/2 inches in

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SUBJECT PROCEEDURES/SPECIFICATIONS

Driving

Two firmly mounted, adjustable, external rear view mirrors located to the left and to the right of the driver. Rectangular five inch x ten inch minimum. The outside mirror mounts shall include a side angle adjustable convex mirror (no less than three inches in diameter) to provide an additional close-in field of vision located so as not to reduce the visual field of the flat surface mirror below 50 square inches. 49 CFR 571.111.

Exceptions: Buses purchased prior to September 1974 may have the three inch "stick-on" type convex mirrors provided they do not reduce the visual field of the mirror below 50 square inches.

Recirculate same as in Section 45: Appendix A(7)(1)(A).

B) Right
Side

Safety Optional Mirrors: Unless otherwise specified by the purchaser, the following may be installed on the right side of the bus in addition to the corresponding convex mirror required:

An outside convex mirror may be installed on the right side of the bus or in combination with the flat side mirror with a field of vision of at least 40 square inches. The roadway along the right side of the bus from the front to the rear bumper. The rear bumper shall be no less than 40 square inches. The forwardmost surface of the right front fender to the rear bumper. The area of this convex mirror shall be no less than 40 square inches.

Recirculate same as in Section 45: Appendix A(7)(1)(B).

C) Left
Side

Safety An outside convex mirror may be installed on the left side of the bus or in combination with the flat side mirror with a field of vision of at least 40 square inches. The roadway along the left side of the bus from the front to the rear bumper. The rear bumper shall be no less than 40 square inches. The forwardmost surface of the left front fender to the rear bumper. The area of this convex mirror shall be no less than 40 square inches.

Recirculate same as in Section 45: Appendix A(7)(1)(C).

B) Cross
Over

An adjustable convex mirror at least 7-1/2 inches in

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PROCEDURES/SPECIFICATIONSSUBJECT

diameter--firmly--mounted--at--the--left--front--corner--of--the vehicle--the mirror shall give the seated driver a view of the front bumper and the area of roadway in front of the bus.

If--the seated driver of a forward control bus has a direct view of the front bumper and the area of roadway in front of the bus a cross over mirror is optional.

Reject--procedures--same--as--in--Section--45i-Appendix A(f)(1)(b).

2)-Interior

All buses purchased during and after September 1974 must have a clear view safety glass--metal-backed--and--framed with--rounded--corners--and--edges--which--shall--be--padded--Shall afford a good view of the interior and roadway to the rear.

All buses purchased prior to September 1974 must have a rear view mirror.

Reject procedures same as in Section 45i-Appendix A(f)(1)(b).

1k)-PAINT

REQUIREMENTS

The exterior of the body excluding required rub rail and lettering shall be painted a uniform color--National School Bus Glossy Yellow--Required rub rail and lettering must be black--Additional rub rails may either be black or yellow--the front and rear bumpers and wheels may be black or--manufacturers--color--grilles--and--hub caps may be a bright finish chrome or anodized aluminum--except--Section 12-001 of the Illinois Vehicle Equipment Law

Optional--Black--area around fishing lights is permitted--Black area must not interfere with SCHOOL BUS lettering--Reject procedures same as in Section 45i-Appendix A(k).

1l)-PROTECTIONS

1)-Exterior

Entire rear of bus must be nonhitchable.

Exceptions--A bus manufactured in October 1970 or earlier is exempt from nonhitchable bumpers--A bus manufactured in August 1974 or earlier is exempt from nonhitchable front and rear projections--Bery school bus however must have a nonhitchable door handle.

Reject procedures same as in Section 45i-Appendix A(l)(1).

2)-Interior

exception:

Same as Section 45i-Appendix A(l)(2) with following

All buses purchased prior to September 1974 are exempt from padding on interior projections.

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mm)-REFLECTORS

1)-Front

Same as Section 45i-Appendix A(mm)(1) with following exception:

Buses less than 80 inches wide or 20 feet long are exempt--Section 12-202(b) of the Illinois Vehicle Equipment Law

Same as Section 45i-Appendix A(mm)(2).

2)-Rear Side

Same as Section 45i-Appendix A(mm)(3).

3)-Right Side

Same as Section 45i-Appendix A(mm)(4) with following exception:

Buses less than 80 inches wide or 20 feet long are exempt--Section 12-202(b) of the Illinois Vehicle Equipment Law where shall be one rub rail located approximately at seat level which shall extend from the rear of the entrance door on both sides to a point of curvature at the rear of the body--Rub rails shall be constructed of 1/8 gauge longitudinally corrugated or ribbed steel vented four inches minimum width and securely fastened to the body by bolts rivets or welding.

nn)-RUB RAILS

Exception--Rub rails are not required on type II service and drivers entrance doors however if installed they must meet same requirements as above.

Reject procedures same as in Section 45i-Appendix A(nn).

oot)-SEAT BELTS

A seat belt shall be installed for the driver

Section 12-007 of the Illinois Vehicle Equipment Law--Seat belts shall be installed for each pupil as required by 49-0BR-571-22--At all times each seat belt shall be readily available for quick and easy use--All rear seats installed shall be automatic locking type--Bench belt assembly shall be in the Belt Master--Backs--tongue--every--of--each driver's belt shall remain above floor when not in use.

Exception--On a bus with incomplete vehicle chassis manufactured in March 1977 or earlier pupil belts are not required.

Exception--On a bus manufactured in August 1974 or earlier driver's belts etc need not remain above floor--Reject procedures same as in Section 45i-Appendix A(oo).

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SUBJECT PROCEDURES/SPECIFICATIONSpp--SEAT
DRIVERS

The driver's seat shall be rigidly positioned and have a forward and backward adjustment without the use of tools or other nonattached devices.
Seat padding and covering shall be in good condition (i.e., free from holes and tears).--Seat cushions shall be securely fastened to the seat frame.
Reject procedures same as in Section 451:Appendix-A:pp.

qq--SEAT
PASSENGER

For buses purchased after September 1974 all seats shall have a minimum depth of 14 inches and a minimum back rest height of 20 inches with a 19 inch allowable average hip room in determining seating capacity.--All seats shall be forward facing and securely fastened to part or parts of bus which support them.--No bus shall be equipped with jump seats or portable seats.--The center to center spacing shall be no more than 24 inches.--Padding and covering shall be of fire resistant material.--Minimum 36 inch headroom for sitting position above top of upholstered cushion line on all seats.--Measured vertically.--Not more than seven inches from side wall at shoulder height and at front and rear center of cushion.--Back of all seats of similar size shall be of the same width at top and the same height from floor and shall sit at the same angle with the floor.--The top and side skirts and seat backs shall be padded to cushion level.--Seat padding and covering shall be in good condition (i.e., free from holes and tears).
Seat cushions shall be securely fastened to the seat frame.
49-GER-571:222
All buses purchased prior to September 1974 and after January 1, 1977 shall have a seating plan for 16 seats consisting of 4 front rows of 30 inch forward facing seats with a minimum 12 inch skirt down the center.--No jump or portable seats allowed.--No seat or skirt offset allowed in the bus which restricts passageway to emergency door to less than 12 inches.
These vehicles need no skid plates on the front and private compartments that have pivots.--No skid plates safety inspection shall be required if they continue to meet the inspection requirements.--That wheel offset at the time these vehicles with no have to be brought up to the above standards.
Reject procedures same as Section 451:Appendix-A:qq.

rr--SEATING

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SUBJECT PROCEDURES/SPECIFICATIONSSYSTEM

tt--Exterior
At--King
Pins

Same as Section 451:Appendix-A:tttttttt

Bt--Blink
age
et--Power

Speeding Same as Section 451:Appendix-A:tttttttt

Bt--Toe-in
Toe
Out

Same as Section 451:Appendix-A:tttttttt

Bt--Wheel
Bear
ings

Same as Section 451:Appendix-A:tttttttt

2) Interior

At--Columns Same as Section 451:Appendix-A:tttttttt

Bt--Bash Same as Section 451:Appendix-A:tttttttt

Bt--Shaft Same as Section 451:Appendix-A:tttttttt

Bt--Steering

Wheel Same as Section 451:Appendix-A:tttttttt

Bt--Travel Same as Section 451:Appendix-A:tttttttt

The first twelve entrance steps shall be no more than 13 1/2 inches off the ground.--If necessary a step of adequate width and length shall be installed to meet this requirement.--Provision shall be made to prevent road splash from the wheel from accumulating on the step.--It installed outside the body.

At--Step shall be approximately equal in height to the steps no more than 12 inches in height.

The surface entrance steps shall have a non-slip material applied.--At 12 inch to 14 inch in diameter the step required to be at the top of the step.

And on the floor at the top of the step.

Reject procedures same as in Section 451:Appendix-A:rr.

tt--SEAT ARM

PANEL

uu--SEPARATE

COMPARTMENT
top of panel

Same as Section 451:Appendix-A:uu.

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PROCEDURES/SPECIFICATIONS

SUBJECT

vv)--SUN-VISOR
inches

Shall be interior-adjustable and not less than five by 16 inches. Must be installed above windshield. Not required to be transparent but must not interfere with view of interior rear view mirror.
Reject procedures same as in Section 45i-Appendix A(vv).

ww)--SUSPENSION

Equipped with front and rear heavy duty double-acting shock absorbers.
Reject procedures same as in Section 45i-Appendix A(ww)(1).

2)--Springs

A)--Coil Same as Section 45i-Appendix A(ww)(2)(a).

B)--Leaf Same as Section 45i-Appendix A(ww)(2)(b).

6)--Torston
(Stabilizer
Bar)

Same as Section 45i-Appendix A(ww)(2)(c).

xx)--TOW-HOOKS
(optional)

Same as Section 45i-Appendix A(xx).

yy)--UNDERCOATING
Fire resistant undercoating material applied by spray.
Entire underside of body, front fenders, floor members and side panels below floor level must be covered.
Reject procedures same as in Section 45i-Appendix A(yy).

zz)--VENTILATION

Same as Section 45i-Appendix A(zz).

aaa)--WARNING
DEVICES

Same as Section 45i-Appendix A(aaa).

bbb)--WHEELS

Same as Section 45i-Appendix A(bbb).

ccc)--WINDOWS

1)--Emergency Same as Section 45i-Appendix A(ccc)(1).

2)--Rear

Glazing in rear of bus shall be of fixed type.
Reject procedures same as in Section 45i-Appendix A(ccc)(2).

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PROCEDURES/SPECIFICATIONS

SUBJECT

3)--Side

All buses purchased after September 1974 must have each side window as an unobstructed emergency opening and at least a nine-inch by 22-inch wide opening obtained by lowering the window. Six inch stop line required on all windows. Safety glass or equivalent with exposed edges banded. All buses purchased prior to September 1974 and after January 1, 1977 must have approved safety glass in all windows and all exposed edges of the glass shall be banded. Those vehicles used as school buses by school districts and private contractors prior to January 1, 1977 and are still in their possession and had previously passed the school bus safety inspection can still be utilized if they continue to meet the inspection requirements that were in effect at that time. These vehicles will not have to be brought up to the above standards.
Reject procedures same as in Section 45i-Appendix A(ccc)(3).

4)--Windshield Shall be installed between front corner posts and must not obstruct driver's view. (Section 12-501 of the Illinois Vehicle Equipment Law)
All buses purchased on and after September 1974 must have tinted safety glass six inches below top of windshield or equivalent to reduce glare.

All buses purchased prior to September 1974 must have safety glass and shall be heat resistant, laminated plate.
Reject procedures same as in Section 45i-Appendix A(ccc)(4).

ddd)--WINDSHIELD
WASHER

Windshield washer shall effectively clean the area covered by both wipers.
Reject procedure same as in Section 45i-Appendix A(ddd).

eee)--WINDSHIELD
WIPER

Wipers shall be either two speed or variable speed with nonfatigue arms and blades. Blades need not be individually powered.
Reject procedure same as in Section 45i-Appendix A(eee).

(Source: Repealed at
MAR 13 1995)

19 Ill.

Reg.

4394

effective

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NOTICE OF ADOPTED AMENDMENTS

Section 451.APPENDIX C Inspection Procedures/Specifications for Type I Special Education School Buses (Repealed)

SUBJECT PROCEEDURES/SPECIFICATIONS REJECT-VEHICLE-IP

a)---GENERAL REQUIREMENTS

Generally---a---school---bus used for---transporting---children declared---eligible---for Special-Education---services shall---comply---with---the applicable---minimum standards---for---either---a---Type I---school---bus---(SVWR---more than---197909---lbs.)---or---a---Type II---school---bus---(SVWR---197909 lbs---or---less).---However, due---to---the---nature---of certain---handicapping conditions---vehicles utilized---for---special education---transportation shall---be---adapted---to---the specific---needs---of---the children---receiving---this service---these---needs---may require---modification---of---the minimum---standards. The---interior---design---of these---vehicles---will---not---be a---cause---for---rejection provided---an---approval is---issued---by---the---Department---of Transportation---is presented---to---the---certified Safety---Inspector---at---the---time of---inspection.

b)---RESTRAINING OR-SAFETY DEVICES

In---buses---manufactured---prior to---November---1977---restraining---devices---or---safety belts---may---be---used---if---they are---securely---fastened---to the

Restraintng-devices-or seat-belts-are-not securely-fastened-or-are missing-when-required.

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SUBJECT PROCEEDURES/SPECIFICATIONS REJECT-VEHICLE-IP

seat---or---the---floor---of---the vehicle. In---buses---manufactured---on and---after---November---1977---each---handicapped passenger's---seat---must---be equippe---with---restraining or---safe---devices.

et---SPECIAL SERVICE BOER

A---special---door---opening---may be---located---on---right---side---of bus---far---enough---to---rear---to prevent---door---when---open from---obstructing---front right---service---door.---Door opening---shall---be---adequate to---accommodate---wheel chairs. Door---shall---be---equipped---with device---that---will---activate and---be---of---visible---signal located---in---drivers compartment---when---door---is not---securely---closed. Each---door---shall---contain---a fixed---or---movable---window aligned---with---end---of---same side---facing---rearly---as practicable.---9---other windows---on---tight---side---of bus. Each---door---panel---shall---open outward---and---be---positive latching---device---that---be installed---to---hold---door---in open---position. Door---panels---shall---be constructed---to---be equivalent---in---strength---and materials---to---other---school bus---doors. Door---posts---and---headers shall---be---reinforced sufficiently---to---provide

Does-not-operate-properly. Does-not-meet-requirements. Audible-or-visible-alarm does-not-work-or-is missing.

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PROCEEDURES/SPECIFICATIONS

REJECT VEHICLE-IF

SUBJECT

support-----and-----strength
equivalent-to-area-of--side
of-bus-not-used-for-service
doors-----Outriggers--from
chassis-shall-be--installed
at--front--and-rear-of-door
openings-to--support--floor
with-same-strength-as-other
floor-portions.

Boor-shall-be-made-of-two
panels-of-approximately
equal-width--they-shall-be

hinged-to-side-of-bus
each--panel--shall--open
outward.

Forward--panel--shall-be
provided-with-overlapping
flange-to-close-space-where
door--panel--meets--and
weather--seal--shall-be
provided-to-close-at-door
edges.

Boor-shall-be-equipped-with
at-least--one-point
fastening-device-on-rear
panel-to-floor-or-header
and-at-least--two-point
fastening-devices-to-floor
and-header-on-forward-door
panel--both--manually
operated.
Sliding--doors--are
acceptable--provided--they
meet--manufacturer's
specifications.

Floor-of-ramp-or-lift-shall
be-covered-with-non-skid
material.
Protection-against-dust-and
water--sufficient-to-ensure
rettable-Operation-must-be

d)--BI-PARTING
BOORS

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PROCEEDURES/SPECIFICATIONS

REJECT VEHICLE-IF

present.

1)--POWER-LIFT

If-power-lift-is-used--it
Boor-not-operate-property-
shall-be-of-sufficient
capacity-and-dimension-to
lift-maximum-imposed-load
lift--at-top--and--bottom
travel-limits-shall-provide
easy-entrance-and-exit-from
the-lift.

If-electricity-is-used--the
alternator-or-generator-and
battery--must--be--of
increased-capacity.
Controls-shall-be-operable
from--both--interior--and
exterior-of-vehicle.

Device-shall-be-installed
which-with--be-used-to
prevent-operation-of-lift
until-doors-are-opened.
It--travel--position--the
lift--must--be--in--its
uppermost-position--and
security-fastened.
Ventilators--of--less--than
54-passenger--capacity
constructed--for
transportation--of
handicapped--children--may
have-the-fuel-tank--located
behind--rear-wheel--inside
or-outside--chassis-frame
with--lift--pipe--located-on
right-side-of-body.

2)--RAMP

Ramp-shall-be-of-sufficient
strength-and-capacity-to
support-the-imposed-load.
Shall-be-equipped--with
protective--flange--to-
longitudinal-tube--to-keep
wheel-rotation-ramp.

e)--LIFTING-AND
RAMPS

Boor-not-operate-property-
Boor-not-meet-requirements-

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SUBJECTPROCEEDURES/SPECIFICATIONSREFSET-VEHICLEB-IP(Source: Repealed 19 Ill. Reg. 4394, effective
MAR 13 1995)

Ramp shall be equipped with
handler--or handles--and be
of--sufficient--weight--to
permit--one person--to put
ramp--in place--and return to
storage place.
Ramp shall be connected--to
bus--at floor level--in such
manner as--to permit--easy
access--of--wheelchair--to
floor of bus.
Ramp--length--shall--be
sufficient--for--easy entry
and exit.

47--FASTENING
DEVICES

Positive fastening devices
shall be provided and
attached to the floor/wall
or both--that will securely
hold wheelchair in position
in bus.

Does not securely hold
wheelchair to floor
position--Does not meet
requirements.

47--SPECIAB
FIGHT

Light shall be placed
inside
bus over special service
door opening--or at other
location if stated to
prevent glare--the ramp
shall illuminate the floor
inside--the--opening--and
shall be operated from door
area.

Does not operate properly.
Does not meet
requirements--Missing.

47--GRAB HANDLES

Grab handles shall be
provided on each side of
front right service door--only
when this door is used for
entry and exit of children.

Not securely attached.
Does not meet
requirements--Missing.

47--OVER-CENTER
DOOR-CONTROL

Over-center door control
shall be provided only when
this door is used for entry
and exit of children.

If installed, does not
operate properly--Does
not meet requirements.
Missing when required.

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Section 451 APPENDIX D Inspection Procedures/Specifications for Type II
Special Education School Buses (Repealed)

SUBJECT

PROCEEDURES/SPECIFICATIONS

a) --GENERAL
REQUIREMENTS

Same as in Section 451:Appendix-C(4)

b) --RESTRAINING
OR SAFETY
DEVICES

in-buses-manufactured-on-and-after-April-17-1977,
restraining--devices-or-seat-belts-are-mandatory-on
all-seats.---in-buses-manufactured-prior-to-April-17
1977---restraining--devices--or--seat--belts---are
optional:---if--restraining-devices-or-safety-belts
are-furnished-they-must-be-securely--fastened--to
the-seat-or-the-floor-of-the-vehicle.
Reject--procedures--same-as-in-Section-451:Appendix
C(4);

c) --SPECIAL-SERVICE
SEAT

Same as Section 451:Appendix-C(4);

d) --BI-PARTING
SEATS

Same as Section 451:Appendix-C(4);

e) --STEPS-AND
RAMPS

Same as Section 451:Appendix-C(4);

f) --FASTENING
DEVICES

Same as Section 451:Appendix-C(4);

g) --SPECIAL-LIGHT

Same as Section 451:Appendix-C(4);

h) --GRAB-HANDLES

Same as Section 451:Appendix-C(4);

i) --OVER-CENTER
SEAT-CONTROL

Same as Section 451:Appendix-C(4);

(Source: Repealed 19 Ill. Reg. **4394**, effective
MAR 13 1995)

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Section 451 APPENDIX E Driver's Pre-Trip Inspection Requirements (Repealed)

As--required--in-Section-13-115-of-the-Illinois-Vehicle-Inspection-Law--drivers
must-complete-the-following--"pre-trip-inspection"--daily:

"Each-day-that-a-school-bus-is-operated-the-driver-shall--conduct--a
pre-trip--inspection-of-the-mechanical-and-safety-equipment-on-the-bus
as--prescribed-by-rule--or--regulation--of--the--Department." (Section
13-115-of-the-Illinois-Vehicle-Inspection-Law)
The-following-requirements-became-effective-August-17-1975:

a) --The-driver-must-inspect-his-vehicle-each-day-prior-to-beginning-a-trip.
b) --The-driver-is-required-to-make-a-written-report-of-this-pre-trip
inspection:--He-must-report-any-defects-found-to-the-proper-authority
so-that-the-defects-can-be-corrected;

c) --The-pre-trip-inspection-report-shall-be-made-in-duplicate;

d) --As-designated-by-the-owner-the-original-copy-shall-be-presented-to-the
person-of-authority-on-a-daily-basis:--These-original-copies-shall-be
retained-by-the-owner-for-one-hundred-and-eighty-days;

e) --The-duplicate-copy-shall-remain-in-the-bus-for-a-period-of-at-least
thirty-days;

f) --The-form-shall-specify-items-to-be-checked--(see-subsection-(f))--and-the
minimum-information-to-be-recorded;

g) --The-pre-trip-inspection-records-and-reports-will-be-made-available-for
inspection-and-audit-by-authorized-representatives-of-the-Department-at
any-time;

h) --It-is-the-responsibility-of-the-bus-owner-to-finish-pre-trip
inspection-report-forms-that-meet-the-minimum-requirements-of-this
Section;

i) --Required-items-to-be-checked-during-the-driver's-pre-trip-inspection:

1) Seatbelt--on--battery--washer--fluid--level--fan-belt--and-wiring;
2) Steps--cleanliness--upholstery--windows--warning-devices--fuses--first
aid--kit--fire-extinguisher--emergency-door--open--and--close--
levers;

3) Odometer-reading-and-indication-of-whether-or-not-state-inspection-is
due;

4) Steering-wheel--windshield-wipers-and-washers--heater-and-defroster
horn--service-door--open-and-close--all-mirrors--adjustment--door
buzzer--clutch--brake--warning-buzzer--stop-arm-control-gear-shift
lever--neutral-safety-switch--waste-temperature-fuel--vacuum--or--air
pressure-gauges--parking-brake--seat-belts;

5) Ammeter--all-interior-lights--headlights--high-low-beams;

6) Right-front-wheel-and-tire-tight--adequate-tamps--turn-signal-light
and--reflector--right-rear-view-and-safety-mirror--headlights--turn
signals--exhaust--clearance--and--tail-lights--alternating-flashing
lights--windshield-understeer--oversteer--left-rear-view-mirror--left-
view-mirror-and-safety-mirror--left-front-wheel-and-tire--driver's
side-window--stop-arm--left-side-marker-lamp--turn-signal-light--and

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reflectors, emergency door (open and close), left rear wheels and tires, exhaust system (tailpipe clear), cluster clearance and lights, taillights, turn signals and reflectors, alternating flashing lights, rear emergency door (open and close), right rear wheels and tires, fuel tank filler caps
7) Brain air brake tank--Record condition of bus (if satisfactory or unsatisfactory)

(Source: Repealed 19 Ill. Reg. 4394, effective
MAR 13 1995)

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Section 451, APPENDIX G Illinois Minimum Standards for School Bus - Van Type Conversion 1-16 Passengers Purchased Prior to September 1974 (Repealed)

- a) The service door shall be located to the right of the operator and may be manually controlled from the operator's seat by an over-center control.
- b) The emergency doors shall be located in the center of the rear end or on the right hand side of the school bus. The door shall be equipped with fastening devices for opening from the inside and the outside body which may be quickly released but is designed to offer protection against accidental release.
- c) No seat or other object shall be placed in the bus which restricts passageway to the emergency door to less than twelve inches.
- d) The minimum clearance of air at any including between the seats and leading to the emergency door shall be twelve inches.
- e) The ceiling and walls shall be insulated with fireproof material to deaden sound and reduce vibration to a minimum.
- f) The interior of the school bus shall be free of all unnecessary walls shall be fiberboard or metal.
- g) All glass in the windshield, window and doors shall be approved safety glass. All exposed edges of glass shall be beveled. The glass in the windshield shall be heat absorbent laminated plastic.
- h) 1/2 inch wheelbase.
- i) GVWR-7600 pounds.
- j) 3300 lbs. front axle.
- k) 5050 lbs. rear axle.
- l) 1475 lbs. front springs.
- m) 2200 lbs. rear springs.
- n) 8x10-X-16-5-8 ply rating tires.
- o) 8 hole disc 16.5u-X-6.00u.
- p) High output primary heater.
- q) Rear heater recirculating type.
- r) Two movable glass vents or windows. One located on the right side and one on the left side of the driver's area. These are optional.
- s) 240 cu in. minimum engine.
- t) 55 amp alternator.
- u) 70 amp battery.
- v) Two 15-X-10-10 minimum outside rear view mirrors. One on the right and one on the left. The mirrors must be convex. The mirrors may have the 3 u. - 5 inch oval type convexity. The mirrors must not be more than 1 foot 6 inches from the rear of the bus.
- w) Inside rear view mirror.
- x) A convex mirror 10 u. - 12 u. in diameter. A view of the rear of the bus must be visible in the mirror.
- y) The front bumper.
- z) Seating plan must show 13 inches of seating space between seats. Seating passengers must be seated in a row of 4 seats.

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forward with a minimum of 12" aisle down the center or down the right side. No jump or portable seats allowed.

27 Manually or mechanically operated "Stop" signal arm--Hexagon-shaped semaphores mandatory on all vehicles purchased after December 31, 1975. One rub rail applied to each side operator's door and service door.

28 Rub rail may be omitted on operator's door if "Stop" signal arm is mounted on it.

29 Floor must be covered with a non-skid type material.

30 Roof-mounted "School Bus" sign with flashing lights acceptable until December 31, 1976. An eight-light system is then mandatory.

31 Color of bus shall be National School Bus Chrome Yellow.

32 All required lettering shall be in black. Emergency door lettering shall be two inches. Bus Number School District or Contractor's name on both sides of vehicle shall be four inches.

33 School Bus shall be eight inches.

34 Vehicles may not be altered or converted to carry more than 16 passengers.

(Source: Repealed 19 Ill. Reg. 4394, effective MAR 13 1995)

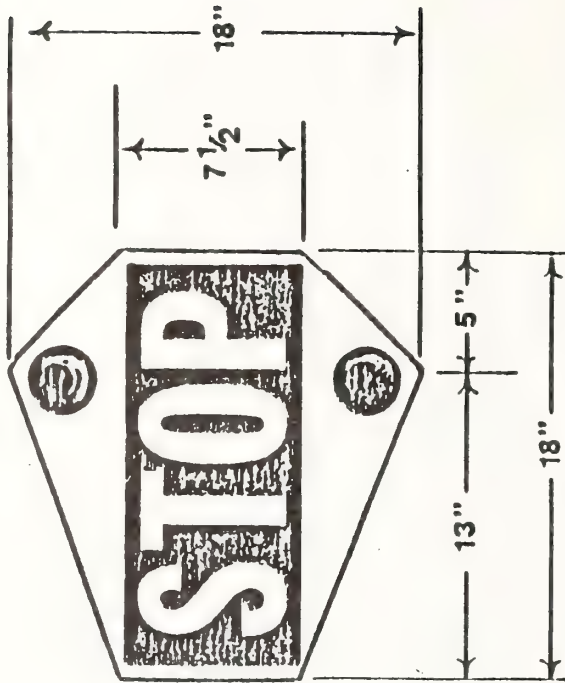
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT(S)

Section 451. ILLUSTRATION A Stop Arm Panel (Repealed)

Hexagon-

This arm must be 16-gauge metal and a hexagon-shaped semaphores approximately 18 inches wide and 18 inches long.



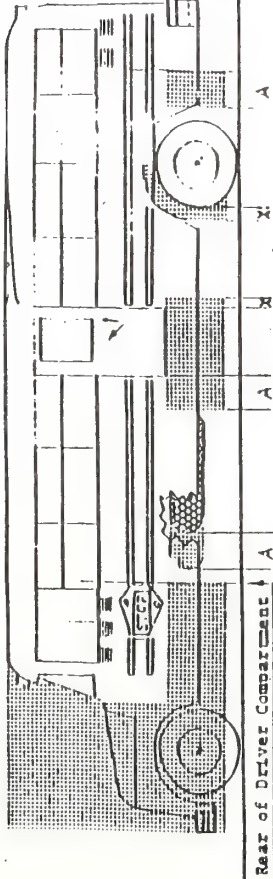
(Source: Repealed MAR 13 1995)

at 19 Ill. Reg. 4394, effective

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NOTICE OF ADOPTED AMENDMENT(S)

Section 451. ILLUSTRATION B Exhaust Guidelines (Repealed)

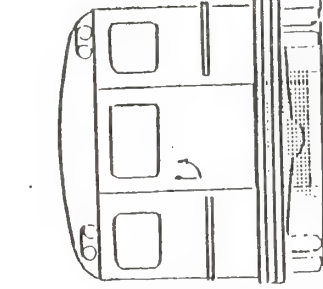


Rear of Driver Compartment

NOT TO SCALE

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Distance A = 1 meter (39 3/8")

Distance x = 150 millimeters (5 7/8")



Prohibited Zone



Ventilating Air Intake
(anywhere on side)



Fuel Tank

Rear shield between tank & discharge
eliminates prohibited zone at tank.

(Source: Repealed at 19
MAR 13 1995)

Ill.

Reg.

43941

effective

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- 1) Heading of the Part: Inspection Procedures for Special Education School Buses
- 2) Code Citation: 92 Ill. Adm. Code 445
- 3) Section Numbers: Adopted Action:
- | | |
|----------------|-------------|
| 445.10 | New Section |
| 445.20 | New Section |
| 445.30 | New Section |
| 445.40 | New Section |
| 445.APPENDIX A | New Section |
| 445.APPENDIX B | New Section |
- 4) Statutory Authority: 625 ILCS 5/Ch. 12, Art. VIII and 5/Ch. 13
- 5) Effective Date of Rulemaking: March 13, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 7, 1995
- 9) Notice of Proposal Published in Illinois Register: September 9, 1994, 18 Ill. Reg. 13835
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:

The Department corrected the Authority Note.

The Department corrected the ILCS citation in Section 445.10(a).

In Section 445.30(c), the Department capitalized the word "state" on the first and second lines.

The Department deleted the labels in Section 445.40.

In Section 445.40, "Bus," the Department added a closed paren at the end of the sentence.

In Section 44.540, "Code," the Department inserted a period at the end of the sentence.

In Section 445.40, "Illinois Vehicle Equipment Law," the Department deleted the brackets and inserted a period.

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In the definition of "Manufacturer," the Department deleted the parentheses and inserted a comma after "use". The word "state" was also initially capped in this definition.

In Section 445.Appendix A(g), a slash was inserted after "PROCEDURES".

In Sections 445.Appendix A(g)(2)(B) and B(g)(2)(B), the commas were deleted after the word "and".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: By this Notice of Adopted Rules, the Department is establishing a new Part 445 which consists of the inspection requirements for special education school buses. Elsewhere in this issue of the Illinois Register, the Department is repealing Appendices C and D of 92 Ill. Adm. Code 451 which previously addressed the inspection requirements for special education school buses. Through reorganizing, the Department is making a number of substantive changes, providing clarification of, and correcting the regulations. This rulemaking also establishes Section 445.40, "Definitions," to define all necessary terms.

The following analysis identifies individual subsections within Appendices A and B which the Department has established for Type I and Type II special education school buses. These subsections have been reorganized in alphabetical order and rewritten to address and clarify the federal rule at 58 FR 4586, January 15, 1993.

This federal rule, which was promulgated by the National Highway Traffic Safety Administration, established new requirements for school buses used for special education transportation.

Appendices A and B both begin with an introduction which addresses the general requirement that school buses used for special education transportation must meet the minimum safety standards of all school buses. The introduction also includes a requirement for potential modification of special education school buses which may be necessary to meet the needs of special education students. Special modifications and equipment necessary to transport special education students must be resolved in the student's Individualized Education Program.

Appendices A and B(d) - Seat Safety Belts

Appendix A - Adding provisions optional seat safety belts must meet if

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they are provided. Adding provisions for passenger seats which are occupied only by a student's aid.

Appendix B - Adding requirements for seat safety belts on school buses manufactured on or after April 1, 1977.

Appendices A and B(f) - Special Service Door

Adding a provision which allows the audible alarm to be deactivated when the special door is completely open, when held by a fastening device, and when used for the loading and unloading of passengers with special needs.

Correcting language by moving bi-parting door requirements into special service door subsection.

Appendices A and B(g) - Wheelchair Occupant Restraints

Establishing standards for wheelchair occupant restraints for school buses manufactured on, before and after January 17, 1994 (the effective date of 58 FR 4586, January 15, 1993).

Appendices A and B(h) - Wheelchair Securement Anchorages

Establishing standards for wheelchair securement anchorages for school buses manufactured on, before, and after January 17, 1994.

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Cathy Allen
Regulations and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

The full text of the Adopted Rule begins on the next page:

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NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 445

INSPECTION PROCEDURES FOR SPECIAL EDUCATION SCHOOL BUSES

| | |
|---------|---------------------------|
| Section | |
| 445.10 | Purpose and Scope |
| 445.20 | Application |
| 445.30 | Standards of Construction |
| 445.40 | Definitions |

APPENDIX A Procedures for Type I Special Education School Buses

APPENDIX B Procedures for Type II Special Education School Buses

AUTHORITY: Implementing and authorized by Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13].

SOURCE: Adopted at 19 Ill. Reg. 45031, effective MAR 13 1995.

Section 445.10 Purpose and Scope

This Part prescribes the requirements of the Illinois Department of Transportation governing:

- Implementation of Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/ch. 12, Art. VIII]; and
- Inspection procedures for special education school buses.

Section 445.20 Application

This Part applies to the following persons:

- Department personnel;
- Owners of Official Testing Stations;
- Employees of Official Testing Stations;
- School bus operation managers; and
- School bus drivers.

Section 445.30 Standards of Construction

- "Shall" and "must" are used in the imperative sense. "Shall" imposes an obligation to act. "Must" defines a condition that is to be satisfied. "May" allows permissiveness under terms specified in the standards. "Will" indicates intention, promise or willingness.
- Words imparting the masculine gender include the feminine.

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c) Changes in the administration of the State school bus inspection program and changes to federal and State law have caused the purchase or manufacture date of school buses to be critical in the application of these regulations. The effective dates for some of these standards will vary.

- 1) Exemptions to some standards are provided for school buses purchased prior to September 1974, the effective date of the Department's "Vehicle Inspection Stations Governing School Buses."
- 2) Exemptions to some standards are provided for school buses manufactured prior to March 1977, the date of the Department's Order "Minimum Safety Standards for Construction of Type I School Buses."
- 3) Exemptions are provided for Type II school buses manufactured prior to October 1978, the date of the Department's Order "Minimum Safety Standards for Construction of Type II School Buses."
- 4) Some standards are identified with other effective dates. These standards are applicable to all school buses manufactured or purchased after the identified date or during the time frame specified.

Section 445.40 Definitions

"Body"- Portion of vehicle that encloses the occupant and cargo spaces and separates those spaces from the chassis frame, engine compartment, driveline, and other chassis components, except certain chassis controls used by the driver.

"Body-on-Chassis" - Completed vehicle consisting of a passenger seating body mounted on a truck type chassis (or other separate chassis) so that the body and chassis are separate entities, although one may reinforce or brace the other.

"Bus" - Every motor vehicle, other than a commuter van, designed for carrying more than ten persons. (Section 1-107 of the Illinois Vehicle Code (the Code) [625 ILCS 5/1-107])

"Chassis" - Every frame or supportive element of a school bus that contains but is not limited to the axles, engine, drive train, steering components, and suspension which the body is attached to. (Section 1-110.1 of the Code)

"Code" - The Illinois Vehicle Code [625 ILCS 5].

"Commercial Vehicle Safety Section" (CVSS) - A section of the Bureau of Safety Programs of the Division of Traffic Safety of the Illinois Department of Transportation.

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"Department" - The Department of Transportation of the State of Illinois, acting directly or through its authorized agents or officers. (Section 13-100 of the Code)

"Empty Weight" - Unloaded vehicle weight; i.e., the weight of a vehicle with maximum capacity of all fluids necessary for operation of the vehicle but without cargo or occupant.

"Federal Motor Vehicle Safety Standards" (FMVSS) - The rules, regulations and standards set forth in 49 CFR 571.

"Illinois Vehicle Equipment Law" - 625 ILCS 5/Ch. 12.

"Individualized Education Program (IEP)" - A written statement for an exceptional child that provides at least a statement of the child's present levels of educational performance; annual goals and short-term instructional objectives; specific special education and related services (includes transportation); the extent of participation in the regular education program; the projected dates for initiation of services; anticipated duration of services; appropriate objective criteria and evaluation procedures; and a schedule for annual determination of short-term objectives. The following participants develop the child's IEP:

- 1) A representative of the local district, other than the child's teacher, who is authorized to commit services and who is qualified to provide or supervise the provision of special education.
- 2) The child's teacher.
- 3) One or both of the child's parents or guardians (if possible).
- 4) The child, where appropriate.
- 5) Other individuals at the discretion of the parent or local district.

"Manufacturer" - Unless otherwise indicated at the point of use, means the person or organization whose name follows "MANUFACTURED BY" or "MFD BY" on the federal and State certification label.

"Passenger" - Every occupant of the vehicle who is not the driver.

"Purchase Date" - Date when purchase transaction was completed, not when body or chassis was built.

"School Bus" -

Type I School Bus - A School Bus with gross vehicle weight rating of more than 10,000 pounds.

Type II School Bus - A School Bus with gross vehicle weight

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rating of 10,000 pounds or less. (Section 12-800 of the Illinois Vehicle Equipment Law)

Every motor vehicle, except as provided below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other educational facilities.

A motor vehicle of the first division. (Section 1-182 of the Code)

"Seat Safety Belt" - Any strap, webbing, or similar device designed to secure a person in a motor vehicle in order to mitigate the results of any accident, including all necessary buckles and other fasteners, and all hardware designed for installing such seat belt assembly in a motor vehicle.

"Special Education School Buses" - Vehicles constructed to transport children with special needs which require the alteration of specific component requirements (i.e., ramps, lifts, wheelchair accommodations).

"Vehicle" -

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First Division: Those motor vehicles which are designed for the carrying of not more than ten persons.

Second Division: Those vehicles which are designed for carrying more than ten persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses. (Section 1-217 of the Code)

"Wheelchair Occupant Restraints" - Any strap, webbing or similar device designed to secure a person in a wheelchair in order to mitigate the results of any accident, including all necessary buckles and other fasteners, and all hardware designed for installing such restraint in a school bus.

"Wheelchair Securement Anchorage" - The provision for transferring wheelchair securement loads to the vehicle structure. Commonly referred to as fastening devices. (58 FR 4586, January 15, 1993)

"Wheelchair Securement Device" - A strap, webbing or other device used for securing a wheelchair to the school bus, including all necessary buckles and other fasteners. (58 FR 4586, January 15, 1993)

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Section 445. APPENDIX A Procedures for Type I Special Education School Buses

Generally, a school bus used for transporting children declared eligible for special transportation services shall comply with the applicable minimum standards for either a Type I school bus (see 92 Ill. Adm. Code 440) or a Type II school bus (see 92 Ill. Adm. Code 442). However, due to the nature of certain challenging conditions, vehicles utilized for special education transportation shall be adapted to the specific needs of the children receiving this service. These needs may require modification of the minimum standards. Equipment necessary for the transportation of special education students must be resolved in the student's Individualized Education Program.

The interior design of these vehicles will not be a cause for rejection provided an approval, issued by the Department, is presented to the Certified Safety Tester at the time of inspection.

a) Grab

Handles

PROCEDURES/SPECIFICATIONS:

Grab handles shall be provided on each side of front right service door only when this door is used for entry and exit of children.

REJECT VEHICLE IF:

Grab handles are not securely attached; do not meet requirements or are missing.

b) Lifts and

Ramps

PROCEDURES/SPECIFICATIONS:

Floor of ramp or lift shall be covered with nonskid material.

Protection against dust and water sufficient to ensure reliable operation must be present.

REJECT VEHICLE IF:

Lifts and ramps do not operate properly or do not meet requirements.

1) Power Lift

PROCEDURES/SPECIFICATIONS:

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If power lift is used, it shall be of sufficient capacity and dimension to lift maximum imposed load, lift at top and bottom travel limits shall provide easy entrance and exit from the lift.

If electricity is used, the alternator or generator and battery must be of increased capacity.

Controls shall be operable from both interior and exterior of vehicle.

Device shall be installed which will be used to prevent operation of lift until doors are opened.

In travel position, the lift must be in its uppermost position and securely fastened.

Vehicles of less than 54-passenger capacity constructed for transportation of handicapped children may have the fuel tank located behind rear wheels, inside or outside chassis frame, with fill pipe located on right side of body.

REJECT VEHICLE IF:

Power lift does not operate properly or does not meet requirements.

2) Ramp

PROCEDURES/SPECIFICATIONS:

Ramp shall be of sufficient strength and rigidity to support the imposed load. Shall be equipped with protective flange on each longitudinal side to keep wheelchair on ramp.

Ramp shall be equipped with handle, or handles, and be of sufficient weight to permit one person to put ramp in place and return to storage place.

Ramp shall be connected to bus at floor level in such manner as to permit easy access of wheelchair to floor of bus.

Ramp length shall be sufficient for easy entry and exit.

REJECT VEHICLE IF:

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Ramp does not operate properly; does not meet requirements.

- c) Over Center
Door
Control

PROCEDURES/SPECIFICATIONS:

Over center door control shall be provided only when this door is used for entry and exit of children.

REJECT VEHICLE IF:

If installed, does not operate properly. Does not meet requirements. Missing when required.

- d) Seat Safety
Belts

PROCEDURES/SPECIFICATIONS:

Seat safety belts may be installed if they are securely fastened to the seat or the floor of the vehicle.

Special education school buses may be equipped with passenger seats that do not have guard barriers installed in front of them. These passenger seats are to be used only by student's aids and must be equipped with seat safety belts at each location used by an aid. The school bus driver must present a letter from the Commercial Vehicle Safety Section approving this exception.

REJECT VEHICLE IF:

If installed, seat safety belts are not securely fastened to the seat or the floor of the vehicle.

Barrier is not present in front of aids' seat and no seat safety belts are provided. No letter of exception provided.

- e) Special
Light

PROCEDURES/SPECIFICATIONS:

Light shall be placed inside bus over special service door opening, or at other location if shielded to prevent glare. The lamp shall illuminate the floor inside the opening and shall be operated from door area.

REJECT VEHICLE IF:

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Special light does not operate properly; does not meet requirements or is missing.

- f) Special
Service
Door

PROCEDURES/SPECIFICATIONS:

A special door opening may be located on right side of bus far enough to rear to prevent door, when open, from obstructing front right service door. Door opening shall be adequate to accommodate wheel chairs.

Door shall be equipped with device that will actuate audible or visible signal, located in driver's compartment, when special service door is not securely closed.

Each door shall contain a fixed or movable window aligned with and of same size (as nearly as practicable) as other windows on right side of bus.

Each door panel shall open outward and a positive fastening device shall be installed to hold door in open position. When the special service door is completely open for loading and unloading passengers with special needs and being held by the fastening device, the audible alarm can be deactivated.

Door panels shall be constructed to be equivalent in strength and materials to other school bus doors.

Door posts and headers shall be reinforced sufficiently to provide support and strength equivalent to area of side of bus not used for service doors. Outriggers from chassis shall be installed at front and rear of door openings to support floor with same strength as other floor portions.

Bi-parting doors must meet the following requirements:

Bi-parting doors shall be made of two panels of approximately equal width. They shall be hinged to side of bus and each panel shall open outward. Forward panels shall be provided with overlapping flange to close space where door panels meet and weather seal shall be provided to close all door edges.

Bi-parting doors shall be equipped with at least one-point fastening device on rear panel to floor or header and at least two-point fastening device to floor and header on

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forward door panel, both manually operated.

Sliding doors are acceptable provided they meet manufacturer's specifications.

REJECT VEHICLE IF:

Special service door does not operate properly; does not meet requirements; audible or visible alarm does not work or is missing.

Bi-parting or sliding doors do not operate properly. Does not meet requirements. Door does not seal properly. Weather seal is cracked or missing.

g) Wheelchair
Occupant
Restraints

PROCEDURES/SPECIFICATIONS:

1) For buses manufactured prior to January 17, appropriate and adequate wheelchair occupant restraints must be installed at each wheelchair location which transports a student in a wheelchair. The restraints must be securely anchored to the wheelchair or the floor of the vehicle.

2) For buses manufactured on or after January 17, 1994, each wheelchair location which transports a student in a wheelchair must be equipped with:

- A) Not less than one anchorage for the upper end of the upper torso restraint;
- B) Not less than two floor anchorages for wheelchair occupant pelvic and upper torso restraint; and
- C) Wheelchair occupant pelvic and upper torso restraints. (58 FR 4586, January 15, 1993)

REJECT VEHICLE IF:

Wheelchair occupant restraints do not meet requirements.

h) Wheelchair

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Securement
Anchorage

PROCEDURES/SPECIFICATIONS:

In buses manufactured prior to January 17, 1994, positive wheelchair securement anchorages shall be provided and attached to the floor, walls, or both, that will securely hold wheelchair in position in bus.

In buses manufactured on or after January 17, 1994, each wheelchair location must be equipped with forward-facing wheelchair securement anchorages. Additional securement anchorages which allow other than forward-facing orientation can be added to a wheelchair location provided the forward-facing anchorages are not altered and the additional anchorages meet the same standards as the existing fastening devices. (58 FR 4586, January 15, 1993)

In buses manufactured on or after January 17, 1994, each wheelchair location must be equipped with two wheelchair securement anchorages in the rear and two anchorages in the front. Each securement device must be either of webbing or strap and provide means of adjustment or of a design that provides limited movement. (58 FR 4586, January 15, 1993)

REJECT VEHICLE IF:

In buses manufactured prior to January 17, 1994, wheelchair securement anchorages securely do not hold wheelchair to floor, walls or both.

In buses manufactured on and after January 17, 1994:

- 1) Each wheelchair location is not equipped with forward-facing wheelchair securement anchorages. Additional anchorages do not meet same standards as existing anchorages.
- 2) Wheelchair securement anchorages do not meet requirements.

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Section 445.APPENDIX B Procedures for Type II Special Education School Buses

Generally, a school bus used for transporting children declared eligible for special transportation services shall comply with the applicable minimum standards for either a Type I school bus (see 92 Ill. Adm. Code 440) or a Type II school bus (see 92 Ill. Adm. Code 442). However, due to the nature of certain challenging conditions, vehicles utilized for special education transportation shall be adapted to the specific needs of the children receiving this service. These needs may require modification of the minimum standards. Equipment necessary for the transportation of special education students must be resolved in the student's Individualized Education Program.

The interior design of these vehicles will not be a cause for rejection provided an approval, issued by the Department, is presented to the Certified Safety Tester at the time of inspection.

a) Grab Handles

PROCEDURES/SPECIFICATIONS:

Grab handles shall be provided on each side of front right service door only when this door is used for entry and exit of children.

REJECT VEHICLE IF:

Grab handles are not securely attached, do not meet requirements or are missing.

b) Lifts and Ramps

PROCEDURES/SPECIFICATIONS:

Floor of ramp or lift shall be covered with nonskid material.

Protection against dust and water sufficient to ensure reliable operation must be present.

REJECT VEHICLE IF:

Lifts and ramps do not operate properly or do not meet requirements.

1) Power Lift

PROCEDURES/SPECIFICATIONS:

If power lift is used, it shall be of sufficient capacity and dimension to lift maximum imposed load, lift at top and bottom travel limits shall provide easy entrance and exit from the lift.

If electricity is used, the alternator or generator and battery must be of increased capacity.

Controls shall be operable from both interior and exterior of vehicle.

Device shall be installed which will be used to prevent operation of lift until doors are opened.

In travel position, the lift must be in its uppermost position and securely fastened.

Vehicles of less than 54-passenger capacity constructed for transportation of handicapped children may have the fuel tank located behind rear wheels, inside or outside chassis frame, with fill pipe located on right side of body.

REJECT VEHICLE IF:

Power lift does not operate properly or does not meet requirements.

2) Ramp

PROCEDURES/SPECIFICATIONS:

Ramp shall be of sufficient strength and rigidity to support the imposed load. Shall be equipped with protective flange on each longitudinal side to keep wheelchair on ramp.

Ramp shall be equipped with handle, or handles, and be of sufficient weight to permit one person to put ramp in place and return to storage place.

Ramp shall be connected to bus at floor level in such manner as to permit easy access of wheelchair to floor of bus.

Ramp length shall be sufficient for easy entry and exit.

REJECT VEHICLE IF:

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Ramp does not operate properly or does not meet requirements.

shall be operated from door area.

- c) Over Center Door Control

PROCEDURES/SPECIFICATIONS:

Over center door control shall be provided only when this door is used for entry and exit of children.

REJECT VEHICLE IF:

If installed, does not operate properly, does not meet requirements or is missing when required.

- d) Seat Safety Belts

PROCEDURES/SPECIFICATIONS:

In buses manufactured on or after April 1, 1977, seat safety belts are required at each designated seating position. (49 CFR 571.208)

In buses manufactured prior to April 1, 1977, seat belts are optional. If safety belts are installed, they must be securely fastened to the seat or the floor of the vehicle.

Special education school buses may be equipped with passenger seats that do not have guard barriers installed in front of them. These passenger seats are to be used only by students' aids and must be equipped with seat safety belts at each seating location used by an aid. The school bus driver must present a letter from the Commercial Vehicle Safety Section approving this exception.

REJECT VEHICLE IF:

If installed, seat safety belts are not securely fastened to the seat or the floor of the vehicle.

Barrier is not present in front of aid's seat and no seat safety belt is provided. No letter of exception provided.

- e) Special Light

PROCEDURES/SPECIFICATIONS:

Light shall be placed inside bus over special service door opening, or at other location if shielded to prevent glare. The lamp shall illuminate the floor inside the opening and

- f) Special Service Door

PROCEDURES/SPECIFICATIONS:

A special door opening may be located on right side of bus far enough to rear to prevent door, when open, from obstructing front right service door. Door opening shall be adequate to accommodate wheel chairs.

Door shall be equipped with device that will actuate audible or visible signal, located in driver's compartment, when special service door is not securely closed.

Each door shall contain a fixed or movable window aligned with and of same size (as nearly as practicable) as other windows on right side of bus.

Each door panel shall open outward and a positive fastening device shall be installed to hold door in open position. When the special service door is completely open for loading and unloading passengers with special needs and being held by the fastening device the audible alarm can be deactivated.

Door panels shall be constructed to be equivalent in strength and materials to other school bus doors.

Door posts and headers shall be reinforced sufficiently to provide support and strength equivalent to area of side of bus not used for service doors. Outriggers from chassis shall be installed at front and rear of door openings to support floor with same strength as other floor portions.

Bi-parting doors (if installed) must meet the following requirements:

Bi-parting doors shall be made of two panels of approximately equal width. They shall be hinged to side of bus and each panel shall open outward. Forward panels shall be provided with overlapping flange to close space where door panels meet and weather seal shall be provided

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to close all door edges.

Bi-parting doors shall be equipped with at least one-point fastening device on rear panel to floor or header and at least two-point fastening device to floor and header on forward door panel, both manually operated.

Sliding doors are acceptable provided they meet manufacturer's specifications.

REJECT VEHICLE IF:

Special service door does not operate properly. Does not meet requirements. Audible or visible alarm does not work or is missing.

Bi-parting or sliding doors do not operate properly or do not meet requirements. Door does not seal properly. Weather seal is cracked or missing.

g) Wheelchair
Occupant
Restraints

PROCEDURES/SPECIFICATIONS:

1) For buses manufactured prior to January 17, 1994, appropriate and adequate wheelchair occupant restraints must be installed at each wheelchair location which transports a student in a wheelchair. The restraints must be securely anchored to the wheelchair or the floor of the vehicle.

2) For buses manufactured on or after January 17, 1994, each wheelchair location which transports a student in a wheelchair must be equipped with:

- A) Not less than one anchorage for the upper end of the upper torso restraint;
- B) Not less than two floor anchorages for wheelchair occupant pelvic and upper torso restraint; and
- C) Wheelchair occupant pelvic and upper torso restraints. (58 FR 4586, January 15, 1993)

REJECT VEHICLE IF:

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Wheelchair occupant restraints do not meet requirements.

h) Wheelchair
Securement
Anchorages

PROCEDURES/SPECIFICATIONS:

In buses manufactured prior to January 17, 1994, positive wheelchair securement anchorages shall be provided and attached to the floor, walls, or both, that will securely hold wheelchair in position in bus.

In buses manufactured on or after January 17, 1994, each wheelchair location must be equipped with forward-facing wheelchair securement anchorages. Additional securement anchorages which allow other than forward-facing orientation can be added to a wheelchair location provided the forward-facing anchorages are not altered and the additional anchorages meet the same standards as the existing fastening devices. (58 FR 4586, January 15, 1993)

In buses manufactured on or after January 17, 1994, each wheelchair location must be equipped with two wheelchair securement anchorages in the rear and two anchorages in the front. Each securement device must be either of webbing or strap and provide means of adjustment or of a design that provides limited movement. (58 FR 4586, January 15, 1993)

REJECT VEHICLE IF:

In buses manufactured prior to January 17, 1994, wheelchair securement anchorages securely do not hold wheelchair to floor, walls or both.

In buses manufactured on and after January 17, 1994:

- 1) Each wheelchair location is not equipped with forward-facing wheelchair securement anchorages. Additional anchorages do not meet same standards as existing anchorages.
- 2) Wheelchair securement anchorages do not meet requirements.

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1) Heading of the Part: Inspection Procedures for Type I School Buses2) Code Citation: 92 Ill. Adm. Code 4413) Section Numbers:

| <u>Section Numbers:</u> | <u>Adopted Action:</u> |
|-------------------------|------------------------|
| 441.10 | New Section |
| 441.20 | New Section |
| 441.25 | New Section |
| 441.30 | New Section |
| 441.40 | New Section |
| 441.APPENDIX A | New Section |
| 441.APPENDIX B | New Section |
| 441.APPENDIX C | New Section |
| 441.APPENDIX D | New Section |
| 441.APPENDIX E | New Section |
| 441.APPENDIX F | New Section |
| 441.APPENDIX G | New Section |
| 441.APPENDIX H | New Section |
| 441.APPENDIX I | New Section |
| 441.APPENDIX J | New Section |
| 441.APPENDIX K | New Section |
| ILLUSTRATION A | New Section |
| ILLUSTRATION B | New Section |
| ILLUSTRATION C | New Section |
| ILLUSTRATION D | New Section |
| ILLUSTRATION E | New Section |

4) Statutory Authority: 625 ILCS 5/Ch. 12, Art. VIII and 5/Ch. 135) Effective Date of Rulemaking: March 13, 19956) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? Yes.
These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.8) Date Filed in Agency's Principal Office: March 7, 19959) Notice of Proposal Published in Illinois Register: September 9, 1994, 18 Ill. Reg. 1385510) Has JCAR issued a Statement of Objections to these rules? No11) Difference(s) between proposal and final version:

On the Table of Contents at Section 441.25, the Department changed "Standards" to "Regulations."

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The Department corrected the ILCS citations in the Authority Note.

At Section 441.10, the Department corrected the word "Part" in the Section heading. Also, at Section 441.10(a), the ILCS citation was corrected.

In Section 441.25, the Department added the phrase "and as amended at 59 FR 22997, May 4, 1994" to the first sentence.

The Department further indented the definitions in Section 441.40.

In Section 441.Appendix A(b), the Department inserted "September 1, 1994" following the word "after" and deleted "May 2, 1994."

In Section 441.Appendix A(b)(4), the Department inserted "; as amended at 59 FR 22997, May 4, 1994" after "1992."

In Section 441.Appendix D(b), the Department inserted ";as amended at 59 FR 22997, May 4, 1994" after "1992."

In Section 441.Appendix I(c), the Department deleted "May 2, 1994" and inserted "September 1, 1994" in its place.

In Section 441.Appendix I(c)(7), the Department inserted ";as amended at 59 FR 2297, May 4, 1994" after "1992."

In Section 441.Illustration A, the Department corrected the references to Section 441.Appendix 10(a).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:

By this Notice of Adopted Rules, the Department is establishing a new Part 441 which consists of the inspection requirements and criteria for Type I school buses. Elsewhere in this issue of the Illinois Register, the Department is repealing Appendices A through G and Illustrations A and B in 92 Ill. Adm. Code 451 which previously addressed the inspection criteria for Type I school buses. Through reorganizing, the Department is clarifying, correcting, adding to and deleting some requirements.

The following analysis indicates changes made to individual components.

Air cleaner:

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Adding "not properly attached" as cause for rejection.

Aisle:

Adding criteria pursuant to 57 FR 49413, November 2, 1992 requiring additional emergency exits.

Battery:

Adding "insufficient capacity" as cause for rejection.

Brakes:

Renaming booster to master cylinder.

Adding inspection criteria for brake inspection report.

Adding exception from brake inspection report requirements for new buses.

Bumper:

Adding provisions for optional crossing arm.

Certification Label:

Deleting and removing State certification label as subject of inspection. (Implementation of this requirement proved difficult for buses manufactured for use in another State.)

Defroster:

Adding requirements for auxiliary fans to be securely mounted and have protected blades.

Drive Shaft Guard:

Clarifying protection of each segment of the drive shaft guard.

Emergency Exits:

Adding provisions for optional emergency roofhatches.
Correcting requirement for left emergency door to have glass only in lower portion of the door.
Correcting requirement for only inside release mechanism to be protected.

Adding provisions for optional emergency windows.

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Clarifying alarm requirements for optional and required exits.
Adding criteria pursuant to 57 FR 49413, November 2, 1992 requiring additional emergency exits.

Entrance Door:

Adding provisions for over-the-center-door control.
Adding requirements that door must seal properly.
Correcting error in locks and alarm requirements.
Deleting requirement that locking system be dependent on driver being seated to operate the door. (It is physically impossible and unnecessary for driver to remain seated.)

Exhaust System:

Amending requirements for shielding diesel powered engines.
Adding rejection criteria for shielding requirements.

Fire Extinguisher:

Adding approval of halon fire extinguisher.

First Aid Kit:

Clarifying requirement that minimum number of packages be sealed.
Adding approval of OSHA approved blood-borne pathogen kits.
Removing Commercial Type as a kit option.
(Commercial Type kits are no longer used by the industry.)

Floor Covering:

Adding metal floor stripping as subject to inspection.

Frame and Body:

Adding provisions for collision damage as subject to inspection.

Fuel Storage System:

Correcting language to require fuel filler cap to meet manufacturer's specifications.
Adding exception for shielding of some diesel powered engines.
Expanding alternate fuel inspection criteria for liquefied petroleum gas and compressed natural gas.

Heaters:

Adding padding requirement if heater is not protected by a seat.

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Instrument Panel:

Adding emergency/parking brake indicator light as subject to inspection.

Lettering:

Exterior:

Adding Agency Note regarding marking requirements for interstate operations.

Correcting language by moving emergency window lettering to interior. Removing requirement for lettering to be located at least 44 inches above the floor level on the rear emergency door.

Correcting lettering requirements by adding "and/or."

Adding criteria pursuant to 57 FR 49413, November 2, 1992 requiring additional emergency exits.

Removing reference to "Newton Weight."

Interior:

Deleting black color requirement for front lettering.

Adding labeling requirements for left doors and windows for consistency with construction standards.

Adding provisions for optional route identification markers.

Adding criteria pursuant to 57 FR 49413, November 2, 1992 requiring additional emergency exits.

Lights:

Renaming cluster to identification lights.

Correcting error in eight light flashing system by adding instructions to close the door.

Eliminating headlight aiming requirement as subject to inspection.

Renaming marker to sidemarker lights.

Clarifying stepwell light requirements.

Adding exception for armored turn signal lights on buses which transport less than 33 passengers.

Mirrors:

Adding provisions for combining convex crossover mirrors with other mirrors.

Clarifying language for consistency with Type II school bus requirements.

Eliminating reference to vehicles which were manufactured prior to 1974.

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Paint:

Adding provisions for optional reflectorized tape.
Adding provisions for required reflectorized tape pursuant to 57 FR 49413, November 2, 1992.

Projections:

Adding provisions for eliminating dangerous projections.
Clarifying provisions for optional equipment installed in the bus.

Rub Rails:

Eliminating requirement for rub rail on all functioning doors.

Seat Belts:

Adding requirement for optional belts to meet federal standards.

Seat, Passenger:

Clarifying requirements for seat spacing measurements.
Deleting detailed requirements for fiberglass or plastic seating. (Fiberglass and plastic seating are not longer being used by the industry.)

Adding criteria for flip-up seats pursuant to 57 FR 49413, November 2, 1992 requiring additional emergency exits.

Steering:

Adding Agency Note regarding steering shaft for Navistar chassis.

Steps:

Adding provisions for white nosing on steps.

Stop Arm Panel:

Adding language pursuant to 56 FR 20363, May 3, 1991 requiring stop arm panels.

Clarifying language pursuant to P.A. 88-415 which allows octagon-shaped semaphores on all school buses.
Approving optional strobe lamps.

Wheels/Tires:

Adding proper inflation of tires as subject to inspection.
Changing requirement for measuring tread groove depth on steering axle

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from three locations on the tire to one location. (Change is being made for consistency with 625 ILCS 5/12-405(d).)

Windows:

Adding an exception which states the requirements of this subsection do not apply to a window or glazed panel installed forward of a front passenger seat, and are optional for a window installed either beside a rear passenger seat, or in a side emergency exit. Exception is pursuant to 92 Ill. Adm. Code 440 - minimum Safety Standards for the Construction of Type I School Buses.

16) Information and questions regarding these adopted rules shall be directed to:

Name: Ms. Cathy Allen
Address: Regulations and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield IL 62794-9212
Telephone: (217) 785-1181

17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

The full text of the Adopted Rule begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 441
INSPECTION PROCEDURES FOR TYPE I SCHOOL BUSES

| | |
|----------------|---|
| Section | Purpose and Scope |
| 441.10 | Application |
| 441.20 | |
| 441.25 | Incorporation by Reference of Federal Regulations |
| 441.30 | Standards of Construction |
| 441.40 | Definitions |
| APPENDIX A | Air Cleaner Through Barrier, Guard |
| APPENDIX B | Battery or Batteries Through Bumper, Front |
| APPENDIX C | Bumper, Rear Through Drive Shaft Guard |
| APPENDIX D | Electrical System Through Fenders |
| APPENDIX E | Filter, Oil Through Frame and Body |
| APPENDIX F | Fuel Storage and Delivery System Through Horn |
| APPENDIX G | Instruments and Instrument Panel Through Locked Compartment |
| APPENDIX H | Mirrors Through Rub Rails |
| APPENDIX I | Seat Belts Thru Steps, Entrance |
| APPENDIX J | Stop Arm Panel Through Tow Hooks |
| APPENDIX K | Undercoating Through Windshield Wipers |
| ILLUSTRATION A | Stop Arm Panels |
| ILLUSTRATION B | Exhaust Guidelines |
| ILLUSTRATION C | Brake Inspection Report |
| ILLUSTRATION D | Propane Decal |
| ILLUSTRATION E | Driver's Pre-Trip Inspection Requirements and Sample Form |

AUTHORITY: Implementing and authorized by Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13].

SOURCE: Adopted at 19 Ill. Reg. 4523, effective
MAR 13 1995

Section 441.10 Purpose and Scope

This Part prescribes the requirements of the Illinois Department of Transportation governing:

- Implementation of Article VIII, the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art VIII];
- Inspection procedures for Type I school buses; and
- Performance of the daily pre-trip inspection by school bus drivers.

Section 441.20 Application

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This Part applies to the following persons:

- a) Department personnel;
- b) Owners of Official Testing Stations;
- c) Employees of Official Testing Stations;
- d) School bus operation managers; and
- e) School bus drivers.

Section 441.25 Incorporation by Reference of Federal Regulations

Whenever this Part refers to the Code of Federal Regulations and that reference incorporates the federal regulations by reference, the federal regulations incorporated shall be that which was effective as of October 1, 1992, as amended at 57 FR 49413, November 2, 1992; as amended at 57 FR 57000, December 2, 1992; as amended at 57 FR 57020, December 2, 1992 and as amended at 59 FR 22997, May 4, 1994 not including any later amendments or editions. Copies of appropriate federal regulations are available for inspection at the Department's Commercial Vehicle Safety Section.

Section 441.30 Standards of Construction

- a) "Shall" and "must" are used in the imperative sense. "Shall" imposes an obligation to act. "Must" defines a condition that is to be satisfied. "May" allows permissiveness under terms specified in the standards. "Will" indicates intention, promise or willingness.
- b) Words imparting the masculine gender include the feminine.
- c) Changes in the administration of the state school bus inspection program and changes to federal and state law have caused the purchase or manufacture date of school buses to be critical in the application of this Part. The effective dates for some of these standards will vary.
 - 1) Exemptions to some standards are provided for school buses purchased prior to September 1974, the effective date of the Department's "Vehicle Inspection Stations Governing School Buses."
 - 2) Exemptions to some standards are provided for school buses manufactured prior to March 1977, the date of the Department's Order "Minimum Safety Standards for Construction of Type I School Buses."
 - 3) Some standards are identified with other effective dates. These standards are applicable to all school buses manufactured or purchased after the identified date or during the time frame specified.

Section 441.40 Definitions

"Body" - Portion of vehicle that encloses the occupant and cargo spaces and separates those spaces from the chassis frame, engine compartment, driveline, and other chassis components, except certain

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chassis controls used by the driver.

"Body-on-Chassis" - Completed vehicle consisting of a passenger seating body mounted on a truck type chassis (or other separate chassis) so that the body and chassis are separate entities, although one may reinforce or brace the other.

"Bus" - Every motor vehicle, other than a commuter van, designed for carrying more than ten persons. (Section 1-107 of the Illinois Vehicle Code (the Code)) [625 ILCS 5/1-107]

"Chassis" - Every frame or supportive element of a school bus that contains but is not limited to the axles, engine, drive train, steering components, and suspension which the body is attached to. (Section 1-110.1 of the Code)

"Code" - The Illinois Vehicle Code [625 ILCS 5].

"Commercial Vehicle Safety Section" (CVSS) - A section of the Bureau of Safety Programs of the Division of Traffic Safety of the Illinois Department of Transportation.

"Department" - The Department of Transportation of the State of Illinois, acting directly or through its authorized agents or officers. (Section 13-100 of the Code)

"Empty Weight" - Unloaded vehicle weight; i.e., the weight of a vehicle with maximum capacity of all fluids necessary for operation of the vehicle but without cargo or occupant.

"Federal Motor Vehicle Safety Standards" (FMVSS) - The rules, regulations and standards set forth in 49 CFR 571.

"Gross Vehicle Weight Rating or GVWR" - The value specified by the manufacturer as the loaded weight of the school bus. (Section 12-800 of the Illinois Vehicle Equipment Law)

"Illinois Vehicle Equipment Law" - [625 ILCS 5/12-100 through 12-902]

"Manufacturer" - (unless otherwise indicated at the point of use) means the person or organization whose name follows "MANUFACTURED BY" or "MFD BY" on the federal and state certification label.

"Newton" (N) - Metric unit of force and weight. N = mass multiplied by the standard acceleration of free fall, or "gravity" (i.e., 9.8).

"Passenger" - Every occupant of the vehicle who is not the driver.

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"Purchase Date" - Date when purchase transaction was completed, not when body or chassis was built.

"School Bus" -

Type I School Bus - A School Bus with gross vehicle weight rating of more than 10,000 pounds.

Type II School Bus - A School Bus with gross vehicle weight rating of 10,000 pounds or less. (Section 12-800 of the Illinois Vehicle Equipment Law)

Every motor vehicle, except as provided below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:

Any public or private primary or secondary school; Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other educational facilities.

A motor vehicle of the first division. (Section 1-182 of the Code)

"Vehicle" -

First Division: Those motor vehicles which are designed for the carrying of not more than ten persons.

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Second Division: Those vehicles which are designed for carrying more than ten persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodelled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses. (Section 1-217 of the Code)

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Section 441.APPENDIX A Air Cleaner Through Barrier, Guard

a) AIR CLEANER

PROCEDURE/SPECIFICATIONS:

Any type is acceptable.

REJECT VEHICLE IF:

Air cleaner is not properly attached or is missing.

b) AISLE

PROCEDURE/SPECIFICATIONS:

Unobstructed minimum clearance leading from service door to emergency door (or back of bus) must be at least 12 inches (305 mm) wide. For buses manufactured in July 1987 or later, aisle width at two inches below top of seat back must be 15 inches (380 mm). Floor to ceiling height must be a minimum of 68.9 inches (1.75 m) at any location within the aisle.

A dedicated aisle may be adjacent to any side emergency door. For buses manufactured on or after September 1, 1994, the following must be met:

- 1) The aisle must be unobstructed at all times.
- 2) No portion of a seat or barrier may extend past the door opening.
- 3) No portion of the door latch mechanism can be obstructed by a seat.
- 4) There must be at least 11.7 inches (30 cm) measured from the door opening to the seat back in front. (57 FR 49413, November 2, 1992); as amended at 59 FR 22997, May 4, 1994

REJECT VEHICLE IF:

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Aisle does not meet minimum standards.

c) ALTERNATOR
(GENERATOR)PROCEDURE/SPECIFICATIONS:

The generator, or alternator with rectifier, shall have a minimum capacity rating of 60 amperes and shall be capable of meeting all electrical requirements.

REJECT VEHICLE IF:

Alternator does not meet minimum standards or is not functioning.

d) AXLES

PROCEDURE/SPECIFICATIONS:

Must meet federal chassis requirements as indicated on federal certification label. 49 CFR 568 (1992)

REJECT VEHICLE IF:

Axles show visible signs of apparent damage, leaking fluids or are not firmly attached.

e) BARRIER,
GUARDPROCEDURE/SPECIFICATIONS:

A guard barrier, constructed and thickly padded so as to provide head, knee and leg protection, shall be installed in front of each forward facing passenger seat that does not directly face the rear surface of another passenger seat. The barrier must measure the same height as the passenger seat back directly behind that barrier (i.e., 24 inches). 49 CFR 571.222

In a bus manufactured in January 1988 or later, guard barriers must measure the same height as the seat back directly behind that barrier (i.e., 28 inches).

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Exception: In a bus manufactured from July 1, 1987, to December 31, 1987, the barrier may be less than the required 28 inch seat back.

Exception: In a bus with chassis (incomplete vehicle) manufactured in March 1977 or earlier, the barrier may consist of a floor-to-ceiling vertical stanchion, padded to within three inches of ceiling and floor, and a stanchion-to-wall, fully padded, horizontal guard rail. However, if located adjacent to stepwell, this type barrier shall include a stepwell guard panel that extends from the stanchion to the wall and from the guard rail to within two inches of the floor.

Exception: All buses manufactured prior to September 1974 are exempt from padding on stanchions and guard rails.

Exception: See 92 Ill. Adm. Code 445. Appendix A (Inspection Procedures for Special Education School Buses) for possible exception.

REJECT VEHICLE IF:

Barrier is not solidly attached. Padding or covering shows wear and tear. Barrier does not meet requirements.

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Section 441.APPENDIX B Battery or Batteries Through Bumper, Front**a) BATTERY OR BATTERIES**PROCEDURES/SPECIFICATIONS:

One or more batteries may be mounted either in engine compartment or on outside of passenger/driver area. Battery (or batteries together) in a 12 volt system shall be rated, when new, to provide the following:

Engine manufacturer's recommended Cold Cranking Current (amperes for 30 seconds) at -18 degrees C (0 degree F) or, at the purchaser's option, at -29 degrees C (-20 degrees F).

The battery(s) shall provide a Reserve Capacity (duration of 25 ampere current flow) at 27 degrees C (80 degrees F) for no less than 135 minutes.

Low rate discharge capacity of 90 ampere-hours or more (20 hour discharge test at 80 degrees F).

Exception: A bus manufactured in August 1974 or earlier may have a 70 ampere-hour battery, in a 12 volt system.

REJECT VEHICLE IF:

Battery or batteries are not securely mounted; excessively corroded; of insufficient capacity.

b) BATTERY CABLESPROCEDURES/SPECIFICATIONS:

Check condition.

REJECT VEHICLE IF:

Cables are corroded or are not securely attached.

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c) BATTERY
CARRIERPROCEDURES/SPECIFICATIONS:

When the battery is mounted outside the engine compartment it shall be welded or bolted in a closed, weather-tight, and vented compartment that is located and arranged so as to provide for convenient routine servicing. The battery compartment door, or cover, shall be secured by a manually operated latch or other fastener. A latch or fastener must be designed in such a fashion as to keep the door closed when in the latched position. Each electrical cable connecting the battery in this carrier to the body or chassis shall be one piece between the terminal connector and the first body or chassis terminal connector.

REJECT VEHICLE IF:

Battery carrier does not meet requirements.

d) BRAKES

PROCEDURES/SPECIFICATIONS:

Every motor vehicle shall be equipped with two separate means of applying the brakes and they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes. (Section 12-301(a) of the Illinois Vehicle Equipment Law)

REJECT VEHICLE IF:

Brakes do not meet requirements.

1) Backing
PlatePROCEDURES/SPECIFICATIONS:

Check condition.

REJECT VEHICLE IF:

Backing plate is in poor condition.

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2) Drums/
DiscsPROCEDURES/SPECIFICATIONS:

Inspect drums and/or discs for cracks or for being worn or reworked beyond the marked discard limit.

REJECT VEHICLE IF:

Worn or reworked beyond the following limits:

- 1) Drum diameter .040 inch (1mm) under marked discard limit on Type I bus.
- 2) Drum diameter .030 inch (.75mm) under marked discard limit on Type II bus.
- 3) Disc thickness .030 inch (.75mm) over marked discard limit on any bus.
- 4) Other rework (rebore, reface) limit specified by chassis manufacturer.

PROCEDURES/SPECIFICATIONS:

Emergency/parking brake system must apply brakes to at least two wheels. (Section 12-301(a) of the Illinois Vehicle Equipment Law)

Micro brakes are not considered a separate means of braking and are not acceptable.

Procedures for testing:

- 1) Apply operating control fully.
- 2) Check actuating mechanism for release.

Brake Performance Test:

Using Drive-On Pad Type Tester:

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- 1) Drive vehicle onto brake machine pads at 4-8 m.p.h.
- 2) Apply emergency/parking brakes to bring vehicle to a halt. Do not lock wheels.
- 3) Note the braking forces registered by the brake machine.

Using Roll-On Type Tester:

- 1) Position axle with emergency brake onto roller.
- 2) Apply emergency brake but do not lock wheels.

REJECT VEHICLE IF:

Emergency/parking brake does not meet requirements.

Procedures for testing:

- 1) Not equipped with emergency/parking brakes. Operating mechanism does not hold in the applied position.
- 2) Actuating mechanism does not fully release when release control is operated properly.

Brake Performance Test:

Drive-On Tester:

Machine does not register a total braking force of at least 20% of vehicle empty weight. Braking forces at opposite wheels on same axle vary more than 20%.

Roll-On Tester:

Machine does not register a total braking force of at least 20% of vehicle empty weight. Braking forces at opposite wheels on same axle vary more than 20%.

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- 4) Emergency Brake Ratchet (Pedal or Lever)

PROCEDURES/SPECIFICATIONS:

Must be in proper adjustment. A warning light must be visible when emergency brake is activated.

REJECT VEHICLE IF:

Emergency brake ratchet or warning light do not meet requirements.

- 5) Pedal Clearance (Service Brakes)

PROCEDURES/SPECIFICATIONS:

Minimum 1 1/2 inch clearance with pedal fully depressed.

REJECT VEHICLE IF:

Pedal clearance does not meet requirements.

- 6) Power Systems

A) Air

PROCEDURES/SPECIFICATIONS:

With air system fully charged (compressor governor "cut-out") run engine at low idle. Make one full (maximum) brake application and immediately record reservoir air pressure.

Apply and release brakes until pressure indicated on the air gauge is at least 10 psi (i.e. pounds per square inch) below governor "cut-in" pressure. Run engine at high idle and determine seconds required to raise reservoir pressure. m recorded

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pressure.

REJECT VEHICLE IF:

Time required to raise air pressure from recorded to cut-out is more than 30 seconds.
Air gauge is missing or does not operate.

B) Electric/
HydraulicPROCEDURES/SPECIFICATIONS:

Turn engine "off." Depress service brake pedal. Electric hydraulic pump must come "on" (listen).

REJECT VEHICLE IF:

Electric pump does not operate properly or is absent.

C) Hydraulic

PROCEDURES/SPECIFICATIONS:

Inspect booster belt(s), supports, tubes, hoses, connections and general condition. Clean reservoir and cover as necessary and check master cylinder fluid level. Do not contaminate fluid.

Turn engine "on." Warning signal must come on (look/listen). Depress brake pedal lightly. Start engine. Pedal must move down slightly (feel). Warning signal must go "off" (look/listen).

REJECT VEHICLE IF:

Belt is slack or worn; tube or hose is damaged; any part leaks or is cracked; master cylinder fluid is below maximum level.

Either booster or warning signal does not operate properly.

D) Vacuum/
HydraulicPROCEDURES/SPECIFICATIONS:

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Inspect tank(s), chambers, hoses, tubes, connectors, clamps, and booster air cleaner.

Inspect supports and attachments.

With engine off, repeatedly apply service brakes until vacuum is depleted, with medium pressure on brake pedal, start engine; release brake and operate engine until maximum vacuum is established; stop engine; apply service brakes hard.

With brakes still applied, start engine; after one minute of running engine, check "Low Vacuum" indicator.

REJECT VEHICLE IF:

Any component is restricted, collapsed, scraped, cracked, loose, or broken. Booster air cleaner is clogged.

Any support or attachment is broken. Any connecting line or other component is not attached or supported so as to prevent damage from scraping or rubbing.

Foot pedal does not fall away from foot when engine is started; insufficient vacuum reserve to permit one full service brake application after engine is off without actuating "low vacuum" indicator; valve or diaphragm leaking.

7) Service
BrakesPROCEDURES/SPECIFICATIONS:

Must be equipped with service brakes on all wheels. (Section 12-301(a)(5) of the Illinois Vehicle Equipment Law)

Must be equipped with a "split system" on service brakes. 49 CFR 571.105

Power-assisted service brakes are required. 49 CFR 571.105

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REJECT VEHICLE IF:

Service brakes do not meet requirements.

A) Brake
Inspection
Report

PROCEDURES/SPECIFICATIONS:

Verify Brake Inspection Report for following (refer to Section 441.Illustration C for example of form):

1. Vehicle Identification Number (VIN), make and year must correspond to the bus presented for inspection.
2. The Brake Inspection Report must indicate the date and mileage at time the brake inspection was performed. If date is more than one year prior to time of inspection or mileage has exceeded 10,000 miles, a brake inspection must be performed.
3. The form must be completed with all required information. No blank lines are acceptable.

Exception: If the bus has operated less than 10,000 miles and less than 12 months have passed since the bus was manufactured, an SB6 form is not required. Write "less than 10,000 miles and less than one year old" in the remarks section on the Vehicle Inspection Report.

REJECT VEHICLE IF:

Absent, invalid, or incomplete Brake Inspection Report.

B) Brake
Performance
Test

PROCEDURES/SPECIFICATIONS:

e) BUMPER,

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Using Drive-On Pad Type Brake Tester:

Check vehicle's stopping ability before testing.

Drive vehicle onto brake machine pads at 4-8 m.p.h.

Apply service brakes to bring vehicle to a halt. Do not lock wheels.

Note the braking forces registered by the brake machine.

Using Roll-On Type Tester:

When using roller-type tester each axle must be tested separately. Transmission must be in neutral when testing brakes on any drive axle.

Drive front axle onto rollers. Start roller motor. Apply service brakes but do not lock wheels.

Repeat the above steps for each axle.

The total braking force on a vehicle must be determined by adding the results of the test on each axle.

REJECT VEHICLE IF:Drive-On Tester:

Machine does not register a total braking force of at least 60% of the vehicle empty weight.

Roll-On Tester:

Braking forces at opposite wheels on same axle vary more than 20%.

Machine does not register a total braking force of at least 60% of the vehicle empty weight. Braking forces at opposite wheels on same axle vary more than 20%.

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PROCEDURES/SPECIFICATION:

FRONT

Either channel type, formed of rolled steel at least .177 inch (4.5 mm) (approximately 3/16 inch) thick, or approved energy absorbing type.

Buses manufactured in August 1974 or later must have 7.9 inches (200 mm) or more vertical black face.

Bumper must extend to outer edges of fenders and other front end sheet metal. Must be of strength to permit pushing vehicle of equal weight without permanent distortion.

Bumper may be equipped with a crossing control arm. Crossing control arms can only display yellow reflectors or yellow lamps.

Exception: Buses manufactured prior to September 1974 are exempt from bumper thickness and 7.9 inch face requirement.

REJECT VEHICLE IF:

Front bumper does not meet thickness, face height and color requirements. Must be solidly attached, in good condition, free from damage and sharp edges.

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Section 441.APPENDIX C Bumper, Rear Through Drive Shaft Guarda) BUMPER,
REARPROCEDURES/SPECIFICATIONS:

Channel steel at least .18 inch (4.55 mm) (approximately 3/16 inch) thick with a minimum 8.9 inches (225 mm) black face, full wrap around and attached so as to prevent hitching rides (i.e., "nonhitchable").

Shall be attached so that removal is possible by commonly available hand tools.

Shall be of strength to permit bus being pushed by another vehicle without permanent distortion.

AGENCY NOTE:

"Nonhitchable" is defined as the rear of the bus being designed and maintained to prevent or discourage riding or grasping rear of bus so as to "hitch" rides.

REJECT VEHICLE IF:

Rear bumper does not meet requirements. Not solidly attached. Sharp edges are present. Rear bumper is hitchable.

b) CERTIFICATE AND
REGISTRATION
CARD HOLDERPROCEDURES/SPECIFICATIONS:

At least one card holder with a transparent face no less than 5.9 inches by 3.9 inches (150 mm by 100 mm) shall be securely affixed to the inside header panel out of students' easy reach.

REJECT VEHICLE IF:

Certificate and registration card holder does not meet requirements.

c) CERTIFICATION
LABEL (FEDERAL)PROCEDURES/SPECIFICATIONS:

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Inspect federal certification label if the chassis (incomplete vehicle) was manufactured on or after June 1, 1971. The certification label may be supplemented by an alterer's certification.

The manufacturer's label must contain the following information:

- 1) Name of vehicle (bus) manufacturer and the month and year in which manufacture of the vehicle was completed;
- 2) Name of incomplete vehicle (chassis) manufacturer and the month and year in which he performed his last manufacturing operation on the incomplete vehicle;
- 3) Gross vehicle weight rating, or ratings (GVWR);
- 4) Gross axle weight ratings (GAWR);
- 5) The statement, "This vehicle conforms to all applicable federal motor vehicle safety standards in effect in (month/year)";
- 6) The vehicle identification number (VIN);
- 7) The vehicle's classification (usually "bus"). 49 CFR 567.5

Alterer's certification: A certified vehicle might have been altered before its purchase for use as a school bus. The alterations may have included, but are not limited to, classification changes, gross weight rating changes, or changes to the application/effective date of a federal motor vehicle safety standard. If any such alteration occurred, the bus must carry an additional federal label that identifies the alterer, shows when alteration was completed, "as altered" GVWR, GAWR and classification (if changed). It must also state that the altered vehicle conforms to all applicable federal motor vehicle safety

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standards in effect in (month/year). 49 CFR 567.7

REJECT VEHICLE IF:

A required label is absent, defaced, destroyed, not riveted, or not permanently affixed. "Permanently affixed" means the label cannot be removed without destroying or defacing it.

A certification label does not contain the required statement and all other information required for that label.

PROCEDURES/SPECIFICATIONS:

Using heat from heaters and circulation from fans, defrosting equipment shall keep the windshield, the windows to the left of the operator, and the glass in the service door clear of fog, frost, and snow. Must conform to federal standards 49 CFR 571.103. (Auxiliary fans are not considered to be a defrosting and defogging system.)

REJECT VEHICLE IF:

Defrosting system does not function properly.

Auxiliary fans are not securely mounted or blades are not protected.

PROCEDURES/SPECIFICATIONS:

Shall be of sufficient strength to protect each segment of the drive shaft and prevent it from going through the floor or dropping to the ground if broken.

REJECT VEHICLE IF:

Drive shaft guard is missing, not firmly attached, or does not properly protect each segment of the drive shaft.

d) DEFROSTERS

e) DRIVE SHAFT
GUARD

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Section 441.APPENDIX D Electrical System Through Fenders

a) ELECTRICAL
SYSTEM

1) Circuits

PROCEDURES/SPECIFICATIONS:

Shall be arranged in at least nine regular circuits as follows:

- 1) Head, tail, stop (brake) and instrument panel lamps;
- 2) Clearance lamps and any lamp in or adjacent to step risers;
- 3) Interior lamps;
- 4) Starter motor;
- 5) Ignition, emergency exit alarm signals and other alarm signals;
- 6) Turn signal lamps;
- 7) Alternately flashing signal lamps and stop signal arm lamps;
- 8) Horn;
- 9) Heater and defroster.

A separate fuse or circuit breaker for each circuit, except starter motor and ignition.

REJECT VEHICLE IF:

Breaks in insulation are present. Not on proper circuit or properly wired.

PROCEDURES/SPECIFICATIONS:

Two extra fuses for each size fuse used on the bus shall be conveniently mounted on the bus body.

REJECT VEHICLE IF:

2) Fuses

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Fuses are not present or are not conveniently mounted.

3) Switches

PROCEDURES/SPECIFICATIONS:

Check operation and condition.

REJECT VEHICLE IF:

Switches are not operating properly or are missing.

4) Wiring

PROCEDURES/SPECIFICATIONS:

All wires shall be properly insulated and securely attached at not more than 18.1 inches (460 mm) intervals. Check condition.

REJECT VEHICLE IF:

Insulation is frayed or missing. Wiring not securely attached.

b) EMERGENCY
EXITSPROCEDURES/SPECIFICATIONS:

All buses must be equipped with either a rear emergency door or a left side emergency door and a rear emergency window. 49 CFR 571.217

Additional emergency exits, including roof hatches, may be required on buses manufactured on or after May 2, 1994. (57 FR 49413, November 2, 1992); as amended at 59 FR 22997, May 4, 1994

For those buses manufactured on or after May 2, 1994, each opening for a required emergency exit must be outlined around its outside perimeter with a minimum 1 inch (2.54 cm) wide yellow retroreflective tape. This yellow retroreflective tape must be on the exterior surface of the bus. (57 FR 49413,

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Optional emergency roof hatches are allowed. They must be installed according to manufacturer's recommendations and no alarm is required. Open and close roof hatches (required or optional) to verify their operation.

REJECT VEHICLE IF:

Emergency exits do not meet requirements.
Roof hatches do not open.

1) Side

PROCEDURES/SPECIFICATIONS:

Shall be hinged on front side and open outward. Shall be equipped with safety glass (or equivalent). Glass shall be located in upper portion of the door. Door shall be of at least the same gauge metal as the body. Shall be 24 inches or more clear horizontal opening, with forward edge of opening in line with the rearmost edge of a seat back. Shall have 45 inches or more clear vertical opening. (See Alarms and Locks in this subsection for requirements.)

REJECT VEHICLE IF:

Release mechanism is not protected, accessible, or operable (inside and outside); unable to open easily; hinge is located at incorrect location; location and size of opening is incorrect.

PROCEDURES/SPECIFICATIONS:

Inside release mechanism must be protected against accidental release; easily accessible; readily operated manually without use of remote control, power device, or tool.

Shall have permanently attached inside and

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outside release handles. Outside release handle must be non-hitchable.

Rear exit shall hinge on right; open outwards; have a 24 inch or more clear horizontal opening and 45 inch or more clear vertical opening above floor. Glazing shall be installed in upper and lower portions. (See Alarms and Locks in this subsection for requirements.)

Exception: Buses manufactured before September 1974 are exempt from glazing in lower portion of rear emergency door.

REJECT VEHICLE IF:

Inside release mechanism is not protected. Inside and outside release mechanisms are not accessible or do not operate properly. Outside release mechanism is hitchable. Door does not open easily. Location of hinge is incorrect. Size of opening is incorrect. Glazing does not meet requirements. General condition of door (rubber and seal) is poor.

3) Emergency

Window

PROCEDURES/SPECIFICATIONS:

When the emergency door is located on the left side, a rear emergency window shall be provided. Minimum 16 inches high and 48 inches wide. Designed to be opened from the inside or the outside. Hinged on top, designed and operated to insure against accidental closing in an emergency. Inside handle shall provide for quick release. Outside handle shall be nondetachable and nonhitchable. (See Alarms and Locks in this subsection for requirements.)

Optional emergency windows are allowed. They must be labelled "Emergency Exit" in letters at least two inches high, of a color that contrasts with its background, located at the top of or directly above the window on the inside surface of the bus.

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REJECT VEHICLE IF:

Operating mechanisms do not function. Glass is cracked or broken.

4) Alarms and
Locks

PROCEDURES/SPECIFICATIONS:

Audible and visual alarms shall alert driver when engine is running and any required emergency exit or optional emergency exit door either:

- 1) Is not fully latched, or
- 2) Is locked and not readily operated manually.

Optional emergency exit windows must be equipped with an audible alarm which is activated when the above criteria is met.

The engine starting system shall not operate while any emergency exit (optional or required) is locked from either inside or outside the bus. "Locked" means that the release mechanism cannot be activated and the exit opened by a person at the exit without a special device such as a key or special information such as a combination.

Alarm cut-off or "squelch" control is prohibited.

Exception: On a bus with chassis (incomplete vehicle) manufactured in March 1977 or earlier, the "not fully latched" alarm may only be audible to the seated driver. The engine starting system may operate while the emergency door is locked.

REJECT VEHICLE IF:

Alarms do not alert driver as required. Locks do not meet requirements.

c) ENTRANCE DOOR

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1) Physical
Requirements

PROCEDURES/SPECIFICATIONS:

Minimum 24 inch horizontal opening. Minimum 68 inch vertical opening. Jack-knife or split type door required on buses purchased after September 1974. If split type door is used and one section opens inward and the other outward, front section shall open outward. Door shall be located on the right side near the front convenient to the seated driver's unobstructed vision. Entrance door shall be power or manually operated from the driver's seat and designed to afford easy release and prevent accidental opening. No parts of the over center door control shall come together so as to shear or crush fingers. The over center door control must operate properly and must not bind or jam. Vertical closing edges shall be equipped with flexible material for a proper seal and to prevent injury. Lower and upper panels of door shall be of safety glass or equivalent. Bottom of lower panel shall be not more than 35 inches from ground when unloaded. Top of upper glass panel shall be not more than 6 inches from top of door. No door is permitted to left of driver.

A service door equipped with power shall also be capable of manual operation in case of power failure.

Exception: All buses purchased prior to September 1974 are exempt from split type door. They may be split, sedan, or jack-knife type.

REJECT VEHICLE IF:

Binding or jamming is evident, malfunctions, over-ride device on power operated door does not function, control not accessible by driver.

Door is missing, loose, or damaged. Rubber seal is missing or torn.

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2) Locks and
AlarmsPROCEDURES/SPECIFICATIONS:

A service door lock is not required, but if any type of service door locking system is installed on the bus, the system shall conform to at least one of the following:

- 1) The locking system shall not be capable of preventing the driver from easily and quickly opening the service door from inside the vehicle; or
- 2) A locking system that is capable of preventing the bus driver from easily and quickly opening the service door shall include an audiovisual alarm. The alarm shall be audible and visible and must alert the driver when the engine is running and the service door is locked. An alarm disconnect, "squelch control," or other alarm defeating or weakening device shall be prohibited.

REJECT VEHICLE IF:

Locks and alarms do not meet requirements. Bent, worn, or dislocated parts that would delay quick door release and opening are present.

d) EXHAUST
SYSTEMPROCEDURES/SPECIFICATIONS:

"Exhaust System" includes each component used to conduct gas from an engine exhaust port (manifold) to authorized exit point, including each sealing, connecting, and supporting component. Exhaust system shall be outside body and attached to chassis. Size of tailpipe shall not be reduced after it leaves muffler. Any flexible component that contains exhaust gas shall be of stainless steel. System shall not leak. System shall have an outlet at its discharge end(s) only.

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1) Shielding

PROCEDURES/SPECIFICATIONS:

Any flammable material, electrical insulation, brake hose, or fuel system component containing fuel that is located within 11 13/16 inches (300 mm) of a component containing exhaust gas shall be safeguarded by a heat shield.

Exhaust system shall be shielded from either accidental contact, "hitching to," or "standing on," except at discharge end. A chassis or body component may provide required shield.

Exception: Fuel system components on diesel powered engines that are located within four inches of a component containing exhaust gas shall be shielded.

REJECT VEHICLE IF:

Shielding is not present (if applicable).

2) Discharge

PROCEDURES/SPECIFICATIONS:

The exhaust system's discharge end (tailpipe) shall be within .98 inch (25 mm) of bus side, rear, or rear corner. It must not extend past a side rub rail or more than one inch past the bumper. Gas shall not be directed towards a door or other opening into bus body. In addition, the discharge end, or ends, shall not be located in any prohibited zone shown in Illustration B.

REJECT VEHICLE IF:

All parts of system are not securely fastened and supported.

Any part is leaking, missing, or patched.

Any part contains holes not made by

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manufacturer. Exhaust discharges into prohibited zones (see illustration B).

e) FENDERS

PROCEDURES/SPECIFICATIONS:

Shall be properly braced and free from any body attachment.

There shall be approximately one inch located between front fenders and back face to cowl.

REJECT VEHICLE IF:

Fenders are not solid or in bad condition.

Sharp edges are evident.

Fenders are loose or protrude out.

Section 441.APPENDIX E Filter, Oil Through Frame and Body

a) FILTER, OIL

PROCEDURES/SPECIFICATIONS:

Replaceable element or cartridge type.
Minimum one-quart capacity.

REJECT VEHICLE IF:

Oil filter leaks or does not meet requirements.

b) FIRE
EXTINGUISHERPROCEDURES/SPECIFICATIONS:

Pressurized dry-chemical gauge type approved by Underwriters' Laboratories, Inc., rating of not less than 10 B.C. mounted in bracket and readily accessible. Sealed with a type of seal that will not interfere with operation. If stored in locked compartment, compartment must be labelled. Halon fire extinguishers (10 B.C.) are approved.

REJECT VEHICLE IF:

Gauge does not indicate in the calibrated or marked "Full Charge" area. Seal is broken. Extinguisher is not mounted, not in a quick release holder or not labelled in compartment, if applicable. Improper rating. Missing.

c) FIRST AID KIT

PROCEDURES/SPECIFICATIONS:

Kit shall be readily identifiable, removable, and mounted in readily accessible place in driver's compartment -- either in full view or in specified secured compartment (see LOCKED COMPARTMENT). If not carried in compartment, the case shall be dust tight and substantially constructed of durable material. The contents shall include, but not be limited to, the following:

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Unit Type (Minimum Contents)

- 4" bandage compress - 2 packages (May be 1 package in bus with chassis [incomplete vehicle] manufactured in March 1977 or earlier.)
- 2" bandage compress - 2 packages (May be 1 package in bus with chassis [incomplete vehicle] manufactured in March 1977 or earlier.)
- 1" bandage or adhesive compress - 1 package
- 40" triangle bandage with two safety pins - 1

Splint, wire or wood - 1

A tourniquet or any type of ointment, antiseptic, or other medicine shall not be included.

AGENCY NOTE:

OSHA approved blood-borne pathogen kits are permitted.

REJECT VEHICLE IF:

Kit is not complete. Dust or other visible dirt is present inside case. Minimum number of individual packages are not sealed. Medicine or tourniquet is present. Locked compartment containing kit is not labelled. Not mounted in readily accessible location. Missing.

d) FLOORS AND
FLOOR
COVERING

PROCEDURES/SPECIFICATIONS:

Covering in underseat area, including tops of wheel housings, driver's compartment, and toeboard shall be covered with fire-resistant floor covering of type commonly used in passenger transportation equipment. The floor covering in the aisle and entrance area shall be a nonskid, wear-resistant, fire-resistant, and rib type commonly used in commercial

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passenger transportation vehicles. Covering and metal floor stripping must be permanently bonded to floor and must not crack when subjected to sudden changes in temperature. Bonding or adhesive material shall be waterproof. All seams must be sealed with waterproof sealer.

All openings in floorboard or firewall between chassis and passenger-carrying compartment must be solid and sealed.

Boots and seals around shift levers and emergency brakes must be secure and solidly attached.

REJECT VEHICLE IF:

Abnormal wear and obstructions are present. Holes or openings are present in floors, floor covering, or boots. Metal floor stripping is not securely attached or broken.

e) FRAME AND

BODY

PROCEDURES/SPECIFICATIONS:

Visually inspect:

- 1) Body mounts shall be attached and sealed to the chassis cowl so as to prevent the entry of water, dust or fumes through the joint between the chassis cowl and the body.
- 2) Cross members and mounting bolts.
- 3) Engine mounting bolts.
- 4) Frame shall extend to rear of body cross member.
- 5) Frame extension is permitted when alterations are behind rear hanger or rear springs and not for the purpose of extending wheel base.
- 6) Collision damage which is detrimental to the safe operation of the vehicle.

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REJECT VEHICLE IF:

- 1) Cracked, loose, missing bolts. Any repair done by welding body to frame, insulation strip missing.
- 2) Loose, cracked, broken or missing.
- 3) Missing, loose.
- 4) Cracked, broken, bent, rusted to a depth as to substantially weaken frame - welding except by body manufacturer.
- 5) Unless permitted, frame extends past wheel base.
- 6) Collision damage which is detrimental to the safe operation of the vehicle.

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Section 441.APPENDIX F Fuel Storage and Delivery System Through Horn**a) FUEL STORAGE
AND DELIVERY
SYSTEM**PROCEDURES/SPECIFICATIONS:

Entire fuel system, except extensions for driver control of air or fuel, must be outside passenger and driver compartment.

REJECT VEHICLE IF:

Any part of fuel system, except extensions for driver control of air or fuel, is within passenger/driver compartment.

PROCEDURES/SPECIFICATIONS:

Meets manufacturer's specifications. Must be the same as or equivalent to original equipment.

REJECT VEHICLE IF:

Fuel filler cap is defective or missing.

PROCEDURES/SPECIFICATIONS:

Firmly attached. No leakage, seepage, abrasion, or chafing. Must be 11 13/16 inches (300 mm) from any part of exhaust system that contains exhaust gas or be safeguarded by a heat shield. Inside engine compartment, the chassis manufacturer's standard shall govern separation and shielding between parts designed by chassis manufacturer.

Exception: Fuel system components on diesel powered engines that are located within four inches of a component containing exhaust gas must be shielded.

REJECT VEHICLE IF:

Fuel lines are cracked, leaking, insecure mounting, damaged, clamps missing, mount

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clips missing or not separated or not shielded properly (if applicable).

3) Fuel Filler
Tube

PROCEDURES/SPECIFICATIONS:

Check condition.

REJECT VEHICLE IF:

Fuel filler tube leaks or is not secure.

4) Fuel Pump

PROCEDURES/SPECIFICATIONS:

Check condition.

REJECT VEHICLE IF:

Fuel pump leaks, is damaged or is not secure.

5) Fuel
Tank(s)

PROCEDURES/SPECIFICATIONS:

Tank must be safeguarded by structure that protects from side or angular impact blows.
49 CFR 571.301

Exception: A bus with chassis (incomplete vehicle) manufactured in March 1977 or earlier is exempt from being equipped with a tank guard structure.

REJECT VEHICLE IF:

Fuel tank(s) have leakage, seepage, or abrasion; hole or crack that would leak or seep when tank is full.

6) Fuel tank
mount(s)

PROCEDURES/SPECIFICATIONS:

Check condition.

REJECT VEHICLE IF:

Fuel tank mount(s) are cracked, loose, or bolts are missing.

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7) Fuel tank
straps

PROCEDURES/SPECIFICATIONS:

Check condition.

REJECT VEHICLE IF:

Fuel tank straps are cracked, loose, or missing.

8) Alternate
Fuel Systems
(LPG or CNG)

An alternate fuel system which is no longer in use must be completely removed from the vehicle.

A) Carburetion
Equipment

A fuel filter is required on alternate fuel systems.

B) Container
Installation

i) Compressed or liquefied gas containers shall not be mounted in the passenger or driver's compartment.

ii) Container valves, appurtenances and connections shall be mounted in an enclosed compartment.

iii) Containers shall be located at least 36 inches from the entrance door and any emergency exit. Due to the smaller size of Type II school buses, space limitations may sometimes make it impossible to locate a fuel tank further than 36 inches from an exit. A Type II school bus has a gross vehicle weight rating of 10,000 pounds or less as defined in Section 12-800 of the Illinois Vehicle Equipment Law [625 ILCS 5/12-800]. If the original fuel tank for a Type II bus was located within 36 inches from any exit, the alternate fuel container may be located

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in the same location as the original tank.

C) Identification

The fuel identification decal (see Section 41.Illustration E) shall be displayed on the rear of the school bus not more than 12 inches above the top of the rear bumper and within 39 inches of the left side. The decal shall not be placed on any black portion of the bus body.

D) Pipe and Hose Installation

- i) No fuel supply line shall pass through the driver or passenger's compartment.
- ii) The pressure relief device shall be fabricated so that in the event of stress, the pipe or adaptor will break away without impairing the function of the relief valve.
- iii) If installed, the adaptor connecting the piping system to the pressure relief device shall neither touch nor restrict any movable part of the pressure relief valve.
- iv) The relief valve discharge piping system (piping system) must not be reduced at any point from the relief valve to the point of release into the atmosphere.
- v) The piping system shall be routed to minimize sharp elbows or bends. Installation of any commercially available piping installed to meet the manufacturer's specifications is acceptable. Any fittings that restrict the flow of discharge are prohibited. From the pressure relief device adaptor to the atmosphere, the minimum inside diameter of the piping must measure at least 3/4 of an inch.

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- vi) The piping system shall neither block nor hamper the operation of any window or door. The piping system shall preserve widths of passageways, aisles and emergency exits.
- vii) Every portion of the piping system shall be gas tight (except the outlet) and shall be able to withstand forces from the discharge when the relief valve is in full open position. If for any reason the discharge outlet becomes blocked, the piping system must be capable of holding the full system pressure.
- viii) To facilitate the removal of accumulated water, a drain cock shall be installed at the lowest point of the piping system. The drain must be capable of being held open manually and close automatically to prevent expelling LPG if discharged through the relief valve. A weep hole, or other opening that may result in discharged LPG flaming beneath the bus is prohibited.
- ix) The portion of the piping system that leads upward to the atmosphere shall be installed either inside the passenger compartment, on the outside of the bus, or in the body wall between the inner and outer "skins" of the bus body.
- x) Piping on the outside of the body shall be shielded below the window line to prevent "grabbing hold" or "hitching to." However, discharge piping that is located between the windshield and the vent window at the left front corner of the body need not be shielded.
- xi) Any portion of the piping system that is installed either inside the passenger compartment or inside the body wall shall consist of one piece originating below the bus floor and exiting outside

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the bus roof. Every hole where piping passes through the floor or roof shall be sealed.

xii) The piping system must terminate above the eave lines of the bus body.

xiii) The outlet of the piping system shall be located at least 36 inches from the air inlet or outlet of a ventilator or similar device installed on or near the roof. A "similar device" includes the fresh air intake of a heating, ventilating or air conditioning system. It does not include a side window that opens near the roof.

xiv) A rain cap is required where the piping system exits into the atmosphere to minimize water or dirt from entering into either the relief valve or its discharge piping. Installation of any commercially available rain cap installed to meet the manufacturer's specifications is acceptable. The cap shall remain in place except when the relief valve operates. The cap shall be installed to minimize the entrance of water or dirt while the vehicle is in motion.

xv) The discharge piping system on a special education school bus shall conform to all provisions of this Part.

REJECT VEHICLE IF:

Alternate fuel system does not meet requirements listed above.

b) GRAB HANDLES

1) Exterior

PROCEDURES/SPECIFICATIONS:

At least one step grab handle shall be located on each side at front of body so as to

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provide easy access to windshield.

REJECT VEHICLE IF:

Exterior grab handles are missing or loose.

2) Interior

PROCEDURES/SPECIFICATIONS:

Stainless clad steel with measurements not less than 10 inches long located in unobstructed location inside doorway.

REJECT VEHICLE IF:

Interior grab handles are missing or are not solidly attached.

c) HEATERS

PROCEDURES/SPECIFICATIONS:

Nameplate must identify manufacturer and heater rating capacity. Must be capable of maintaining inside temperature of 50 degrees. The heater hoses shall be supported to guard against excessive wear due to vibration and shall not interfere with or restrict the operation of any engine function. Any hose in the passenger compartment shall be protected to prevent injury from burns in the event of rupture. If heater is not protected by a seat, it must be padded.

REJECT VEHICLE IF:

Heater is missing; in poor working condition; defective hoses, supports or baffles; not firmly attached or not padded when required.

d) HOOD

PROCEDURES/SPECIFICATIONS:

Open hood and inspect safety catch and hinges for proper operation. Close hood and inspect for proper full closure. Manually inspect

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latches or remote control for proper operation.

REJECT VEHICLE IF:

Hood does not open or hood latches do not securely hold hood in its proper fully-closed position. Secondary or safety catch does not function properly. Hinge is broken, missing, or not attached to body.

e) HORN

PROCEDURES/SPECIFICATIONS:

At least one horn shall be provided giving an audible warning at a distance of 200 feet and shall be conveniently controlled from the operator's seated position. (Section 12-601 of the Illinois Vehicle Equipment Law)

REJECT VEHICLE IF:

Horn control is missing, defective or not audible.

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Section 441. APPENDIX G Instruments and Instrument Panel Through Locked Compartment

a) INSTRUMENTS
AND INSTRUMENT
PANEL

PROCEDURES/SPECIFICATIONS:

Shall be equipped with the following nonglare illuminated instruments and gauges mounted for easy maintenance and repair and in such a manner that each is clearly visible to the seated driver. An indicator light instead of a pressure or temperature gauge is permissible. 49 CFR 571.101

- 1) Speedometer;
- 2) Odometer;
- 3) Fuel Gauge;
- 4) Oil Pressure Gauge;
- 5) Water Temperature Gauge;
- 6) Ammeter with graduated charge and discharge indications;
- 7) High beam headlight indicator;
- 8) Directional signal indicator;
- 9) Air pressure or vacuum gauge (when air or vacuum brakes are used);
- 10) Eight light flasher indicator.;
- 11) Emergency/service brake indicator.

REJECT VEHICLE IF:

Instruments or instrument panel do not operate properly; instruments are missing; inaccurate readings.

b) INSULATION

PROCEDURES/SPECIFICATIONS:

The ceiling and sidewalls shall be thermally insulated with a fire-resistant material which shall reduce the noise level and vibrations.

REJECT VEHICLE IF:

Insulation does not meet requirements.

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c) LETTERING

1) Exterior

PROCEDURES/SPECIFICATIONS:

The body and chassis manufacturer's name, emblem, or other identification may be displayed (colorless or any color) on any unglazed surface of the bus.

AGENCY NOTE: School buses with interstate authority may display the company's name, city and state of its base and the interstate "MC" number. This lettering must be black in color.

REJECT VEHICLE IF:

Exterior lettering does not meet requirements. Lettering or decals are not distinct, required or allowed. Lettering is obstructed.

A) Front

PROCEDURES/SPECIFICATIONS:

"SCHOOL BUS" in black at least eight inches (200 mm) high placed as high as possible on body or sign attached thereto. Vehicle number assigned for identification shall be a minimum of four inches (100 mm) high and located as high as practicable. Decals are permissable. All lettering must be black. (Section 12-802 of the Illinois Vehicle Equipment Law)

REJECT VEHICLE IF:

Lettering does not meet requirements. Lettering is not distinct, required or allowed. Lettering is obstructed.

B) Left

PROCEDURES/SPECIFICATIONS:

Either the owner's name or the school district number or both must be at least four inches high, approximately centered and as high as practicable below window line. (Section 12-802 of the Illinois Vehicle

Equipment Law) The above required lettering must be located on one line.

If the bus is equipped with a side emergency door, it must be labelled "EMERGENCY EXIT" in letters at least two inches high directly at the top of the emergency door, or directly above, or on door glazing.

Optional: Vehicle number assigned for identification may be displayed at a minimum height of four inches (100 mm).

Decals are permissable. All lettering must be black.

For buses manufactured on or after May 2, 1994, "EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any emergency exit door. For any emergency window exit, "EMERGENCY EXIT" must be located at the top of, or directly above, or at the bottom of the emergency window exit in letters at least 1.95 inches (5 cm) high. The labelling must be of a color that contrasts with its background. (57 FR 49413, November 2, 1992)

REJECT VEHICLE IF:

Lettering does not meet requirements. Lettering is not distinct, required, or allowed. Lettering is obstructed.

C) Rear

PROCEDURES/SPECIFICATIONS:

"SCHOOL BUS" in black lettering at least eight inches (200 mm) high placed as high as possible on body or sign attached thereto. (Section 12-802 of the Illinois Vehicle Equipment Law) "EMERGENCY DOOR" or "EMERGENCY EXIT" in lettering at least two inches high at top of emergency door, or directly above, or on door glazing.

"EMERGENCY EXIT" (for buses without rear emergency door) in letters at least two

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inches high directly below rear emergency window, or on exit glazing. An arrow, at least 5.9 inches in length and 3/4 inch in width indicating direction each release mechanism should be turned to open door or window located within 5.9 inches of release handle, in black. Vehicle number assigned for identification shall be a minimum 4 inches (100 mm) high. Decals are permissible. All lettering must be black.

If bus uses alternate fuel (e.g., propane, CNG), vehicle must be marked with identifying decal. Such decal shall be diamond shaped with white or silver scotchlite letters one inch in height and a stroke of the brush at least 1/4 inch wide on a black background with a white or silver scotchlite border bearing either the words or letters:

"PROPANE" = If propelled by liquefied petroleum gas other than liquefied natural gas; or

"CNG" = If propelled by compressed natural gas. The sign or decal shall be maintained in good legible condition.

The alternate fuel decal shall be displayed near the rear bumper and visible from the rear of vehicle. (see Appendix 6 (a)(8)) (Section 12-704.3 of the Illinois Vehicle Equipment Law)

For buses manufactured on or after May 2, 1994, "EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any emergency exit door. For any emergency window exit, "EMERGENCY EXIT" must be located at the top of, or directly above, or at the bottom of the emergency window exit in letters at least 1.95 inches (5 cm) high. The labelling must be of a color that contrasts with its background. (57 FR 49413, November 2, 1992)

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Lettering does not meet requirements. Lettering or arrows are not distinct, required, or allowed. Lettering is obstructed.

Buses using alternate fuels are not properly marked with decal. Decal is in wrong location.

D) Right

PROCEDURES/SPECIFICATIONS:

Either the owner's name or the school district number or both must be at least four inches (100 mm) high, approximately centered and as high as possible below window line. (Section 12-802 of the Illinois Vehicle Equipment Law) The above required lettering must be located on one line.

The following lettering must be at least two inches (50 mm) high:

1. The word "CAPACITY," or abbreviation "CAP.," and the rated passenger capacity followed by the word "PASSENGERS," or the abbreviation "PASS.," shall be displayed on the outside of the body near the rear edge of the service entrance.

2. Empty weight in pounds must be shown.

Empty weight is indicated by "EW." (Section 12-802 of the Illinois Vehicle Equipment Law)

Manufacturer's identification name or emblem may be displayed, but not on service door glazing. Manufacturer's name or emblem must not interfere with required lettering. Decals are permissible. All lettering must be black.

Optional route identification markers (numbers or symbols) are allowed. They must be located in either the first window or on the bus body directly behind the service entrance door. Route markers affixed to the bus body must meet paint requirements and must not

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obstruct any required lettering.

For buses manufactured on or after May 2, 1994, "EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any emergency exit door. For any emergency window exit "EMERGENCY EXIT" must be located at the top of, or directly above, or at the bottom of the emergency window exit in letters at least 1.95 inches (5 cm) high. The labelling must be of a color that contrasts with its background. (57 FR 49413, November 2, 1992)

REJECT VEHICLE IF:

Lettering does not meet requirements. Lettering or decals are not distinct, required, or allowed. Lettering is obstructed.

2) Interior

A) Front

PROCEDURES/SPECIFICATIONS:

Each letter or numeral must be at least two inches (50 mm) high and contrasting sharply with background. A colorless background strip (such as white, aluminum or silver) may be used. Decals are permitted.

On right side: Either "CAPACITY" or "CAP." plus numerals showing rated passenger capacity, followed by either "PASSENGER" or "PASS."

As nearly as practicable opposite the center of aisle, but to right of inside mirror, either "NO STANDEES" or "NO STANDEES PERMITTED."

A red cross formed of five equal squares with words "FIRST-AID KIT" shall be displayed on the compartment door, or cover, if the first-aid kit is to be carried in the locked compartment.

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The words "FIRE EXTINGUISHER" shall be displayed on the compartment door, or cover, if the fire extinguisher is to be carried in the locked compartment.

Exception: On a bus with chassis (incomplete vehicle) manufactured in March 1977 or earlier, "NO STANDEES" need not be opposite center of aisle and the word "PASSENGERS," or "PASS.," is optional.

REJECT VEHICLE IF:

Lettering does not meet requirements. Lettering is not distinct, required or allowed. Lettering is obstructed.

B) Left

PROCEDURES/SPECIFICATIONS:

A "Stop Line" in contrasting color is required between 5.9 and 6.1 inches below the top of the window opening. The line shall be located between each window that slides downward.

If bus is equipped with a side emergency door or emergency windows which are knock-out type, they are to be labelled "EMERGENCY EXIT" in letters at least two inches high directly below window.

An arrow indicating the direction in which to move release mechanism handle(s) to open emergency exit and operating instructions shall be painted or permanently affixed within six inches of each release handle.

For buses manufactured on or after May 2, 1994, "EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any emergency exit door. For any emergency window exit, "EMERGENCY EXIT" must be located at the top of, or directly above, or at the bottom of the emergency window exit in letters at least 1.95 inches (5 cm) high. The labelling must be of a color that contrasts with its

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background. Concise operating instructions describing the motions necessary to unlatch and open the door must be located within 5.85 inches (15 cm) of the release mechanism on the inside surface of the bus. These operating instructions shall be in letters at least .39 inches (1 cm) high and of a color that contrasts with its background. (57 FR 49413, November 2, 1992)

REJECT VEHICLE IF:

Lettering does not meet requirements. Line or line and lettering is not distinct, required, or allowed. Lettering is obstructed.

C) Rear

PROCEDURES/SPECIFICATIONS:

"EMERGENCY DOOR" or "EMERGENCY EXIT" in letters at least two inches (50 mm) high painted or permanently affixed either directly above each emergency exit, or on top metal of exit (door or window), or on top of exit glazing. An arrow indicating the direction in which to move release mechanism handle(s) to open emergency exit and operating instructions shall be painted or permanently affixed within six inches of each release handle. All lettering and arrow(s) must contrast with background. Decals are permitted.

For buses manufactured on or after May 2, 1994, "EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any emergency exit door. For any emergency window exit, "EMERGENCY EXIT" must be located at the top of, or directly above, or at the bottom of the emergency window exit in letters at least 1.95 inches (5 cm) high. The labelling must be of a color that contrasts with its background. Concise operating instructions describing the motions necessary to unlatch and open the door must be located within 5.85 inches (15 cm) of the release mechanism on the

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inside surface of the bus. These operating instructions shall be in letters at least .39 inches (1 cm) high and of a color that contrasts with its background. (57 FR 49413, November 2, 1992)

REJECT VEHICLE IF:

Lettering does not meet requirements. Lettering is not distinct, required, or allowed. Lettering is obstructed.

D) Right

PROCEDURES/SPECIFICATIONS:

A "Stop Line" in contrasting color is required between 5.9 and 6.1 inches below the top of the window opening. The line shall be located between each window that slides downward. Decals are permitted.

If emergency window is installed, "EMERGENCY EXIT" shall be displayed on or immediately below emergency window.

Instructions for emergency operation of a power operated door shall be affixed permanently on the inside of the door in letters at least .5 (one half) inch high. Decals are permitted.

Optional route identification markers (numbers or symbols) are allowed. They must be located in either the first window or on the bus body directly behind the service entrance door. If route identification markers are installed in permanent holder or bracket, the holder or bracket must have rounded edges or be padded.

For buses manufactured on or after May 2, 1994, "EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any side emergency door. For any emergency window exit "EMERGENCY EXIT" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, or at the bottom of the emergency window exit. The

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labelling must be of a color that contrasts with its background. Concise operating instructions describing the motions necessary to unlatch and open the exit must be located within 5.85 inches (15 cm) of the release mechanism on the inside surface of the bus. These instructions shall be in letters at least .39 inches (1 cm) high and of a color that contrasts with its background. (57 FR 49413, November 2, 1992)

REJECT VEHICLE IF:

Right interior lettering does not meet requirements. Line or line and lettering is not distinct, required, or allowed. Lettering is obstructed.

E) Ceiling

PROCEDURES/SPECIFICATIONS:

For buses manufactured on or after May 2, 1994, any roof exit must be labelled "EMERGENCY EXIT" in letters at least 1.95 inches (5 cm) high, of a color that contrasts with its background. The labelling must be located on an inside surface of the exit, or within 11.7 inches (30 cm) of the roof exit opening. Concise operating instructions describing the motions necessary to unlatch and open the emergency exit shall be located within 5.85 inches (15 cm) of the release mechanism. These instructions shall be in letters at least .39 inches (1 cm) high and of a color that contrasts with its background. (57 FR 49413, November 2, 1992)

d) LIGHTS

1) Back Up

PROCEDURES/SPECIFICATIONS:

Two white lights shall be provided. Must meet federal standards. 49 CFR 571.108

Exception: All buses purchased prior to September 1974 are exempt; however, for any unit equipped with back up lamps, they must be

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operational.

REJECT VEHICLE IF:

Back-up lights do not function; illegal color; broken lens.

2) Clearance,
FrontPROCEDURES/SPECIFICATIONS:

Two clearance lights (amber) at highest and widest portions of the body. Must conform to federal standards. 49 CFR 571.108 May be combined with side marker lamp.

REJECT VEHICLE IF:

Front clearance lights do not function; improper color; broken lens.

3) Clearance,
RearPROCEDURES/SPECIFICATIONS:

Two clearance lights (red) mounted at highest and widest parts of body. Must conform to federal standards. 49 CFR 571.108

REJECT VEHICLE IF:

Rear clearance lights do not function; improper color; broken lens.

4) Identification,

Front

PROCEDURES/SPECIFICATIONS:

Three amber lights mounted at center front near top of body above "SCHOOL BUS" sign. Must conform to federal standards. 49 CFR 571.108

REJECT VEHICLE IF:

Front cluster lights do not function properly; improper color; broken lens.

5) Identification,

Rear

PROCEDURES/SPECIFICATIONS:

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Three red lights mounted at center rear near top of body either above or below "SCHOOL BUS" sign. Must conform to federal standards.
49 CFR 571.108

REJECT VEHICLE IF:

Rear cluster lights do not function properly; improper color; broken lens.

6) Flashing Lights

PROCEDURES/SPECIFICATIONS:

All school buses purchased after December 31, 1975, shall be equipped with an eight light flashing signal system with two red and two amber flashing signal lamps mounted above windshield spaced no less than three feet apart and at same horizontal level. The rear of the vehicle shall be equipped with two red and two amber flashing signal lamps mounted and spaced no less than three feet apart and at same horizontal level. Minimum diameter 5 1/2 inch sealed beam.

Effective December 31, 1978, all school buses shall be equipped with the eight light flashing signal system described in the above paragraph. (Section 12-805 of the Illinois Vehicle Equipment Law)

A separate circuit breaker and a master switch shall be provided for this signal system. When in its "off" position this master switch shall prevent the following:

- 1) Operation of the 8 lamp system;
- 2) Operation of any lamps mounted on the stop signal arm;
- 3) Operation of any electrically controlled mechanism that would cause the stop signal arm to extend.

The controls for the eight lamp flashing signals, the stop signal arm and the service entrance door shall be arranged so as to

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provide for the following sequence of operations while the engine is running.

- 1) Place the alternately flashing signal system master switch in its "off" position. Close and secure the service entrance door. Actuate the alternately flashing signal system hand or foot control. The alternately flashing signal lamps of either yellow (amber) or red color shall not go on.
- 2) With the master switch "off" and the hand or foot control actuated, open the service door. The alternately flashing signals of either color shall not go on and the stop signal arm shall not extend.
- 3) Deactivate the hand or foot control. Place the alternately flashing signal system master switch in its "on" position. Close and secure the service door. Open the service door. The alternately flashing signal lamps of either color shall not go on and stop signal arm shall not extend.
- 4) Close and secure the service door. Actuate the alternately flashing signal system by hand or foot control. A yellow pilot lamp in the view of the driver and the yellow alternately flashing signals shall go on.
- 5) Desecure but do not open the service door. The yellow pilot and the yellow alternately flashing signals shall go off. A red pilot lamp in the view of the driver and the red alternately flashing signals shall go on. The stop signal arm shall extend.
- 6) Fully open the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.
- 7) Close but do not secure the service door. The red pilot and red signals shall

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remain on and the stop arm shall remain extended.

- 8) Open the service door. The red pilot and red signals shall remain on and the stop arm remain extended.

- 9) Close and secure the service door. The red pilot and red signals shall go off and the stop arm shall retract.

- 10) Open the service door. Alternately flashing signals of either color shall not go on and the stop arm shall not extend.

REJECT VEHICLE IF:

Flashing lights do not function properly; broken lens or improper lens color.

7) Headlights PROCEDURES/SPECIFICATIONS:

Shall have at least two headlamps with at least one mounted on each side of the front of the bus. Lamp body must be securely attached. Lenses, reflectors, bulbs, etc., must be in good condition, properly aimed and fill required intensity. Check for bulb burn out. Verify high and low beams are functioning. Shall conform to federal standards. 49 CFR 571.108

REJECT VEHICLE IF:

Headlights do not meet requirements.

8) Interior PROCEDURES/SPECIFICATIONS:

Adequate to illuminate aisles, step well, and emergency passageways.

REJECT VEHICLE IF:

Interior lights do not provide adequate lighting; cracked or broken lenses; improper color.

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9) License PlatePROCEDURES/SPECIFICATIONS:

Adequate white light to illuminate license plate. 49 CFR 571.108 May be combined with one of the tail lights.

REJECT VEHICLE IF:

License plate light does not provide adequate lighting; cracked or broken lenses; improper color.

10) Parking LightsPROCEDURES/SPECIFICATIONS:

Shall be one lamp on each side; white or amber color. 49 CFR 571.108

All buses 80 or more inches in overall width which are equipped with side marker lamps, clearance lamps, and intermediate side marker lamps are exempt from having parking lights. However, if vehicle is equipped with parking lights, they must be operational. (Section 12-202 of the Illinois Vehicle Equipment Law)

REJECT VEHICLE IF:

Parking lights do not meet requirements; improper color; cracked or broken lenses.

11) Sidemarkers, LeftPROCEDURES/SPECIFICATIONS:

Two lamps: one amber at front and one red at rear, mounted as high as practicable. Shall conform to federal standards. 49 CFR 571.108

Exception: All buses purchased prior to September 1971 are exempt.

REJECT VEHICLE IF:

Left marker lights do not meet requirements; does not function properly; improper color;

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cracked or broken lenses.

- 12) Sidemarkers,
Right

PROCEDURES/SPECIFICATIONS:

Two lamps: one amber at front and one red at rear, mounted as high as practicable. Shall conform to federal standards. 49 CFR 571.108

Exception: All buses purchased prior to September 1974 are exempt.

REJECT VEHICLE IF:

Right marker lights do not meet requirements; improper color; cracked or broken lenses.

- 13) Step Well

PROCEDURES/SPECIFICATIONS:

At least the nosings of the service entrance steps and the floor around the stepwell shall be automatically illuminated with white light when the ignition is on and the service entrance door is open.

No lamp shall be installed so as to shine directly into the eyes of a pupil moving through the service entrance and looking at the service steps.

Exception: On a bus with chassis (incomplete vehicle) manufactured in March 1977 or earlier, a stepwell light that does not illuminate all the step nosings or does not illuminate the floor around the service entranceway may be used.

REJECT VEHICLE IF:

Step well light does not meet requirements; improper color; cracked or broken lenses.

- 14) Stop

PROCEDURES/SPECIFICATIONS:

Two red lights mounted at same height and as

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high as practicable below window line. Seven inch minimum diameter or 19 square inches. Not less than three feet apart laterally. Must conform to federal standards. 49 CFR 571.108

REJECT VEHICLE IF:

Stop lights do not meet requirements; improper color; cracked or broken lenses; do not function properly.

- 15) Strobe
(optional)

PROCEDURES/SPECIFICATIONS:

If installed, lamp must comply with following requirements:

- 1) One per bus;
- 2) Shall emit white or bluish/white light;
- 3) Shall be visible from any direction;
- 4) Shall flash 60 to 120 times per minute;
- 5) Shall be visible in normal sunlight;
- 6) Mounted at or behind center of rooftop and equal distance from each side.
(Section 12-815 of the Illinois Vehicle Equipment Law)

Distance from rear will be calculated by measuring height of filament and multiplying same by 30 inches. (i.e., Filament height x 30 = distance from rear of bus where lamp is to be located)

REJECT VEHICLE IF:

If installed, strobe light does not meet installation requirements; does not function properly; improper color; cracked or broken lenses.

Shielding is present.

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16) Tail

PROCEDURES/SPECIFICATIONS:

Two red lights mounted with centers not less than 40 inches nor more than 50 inches from surface on which vehicle stands. Must conform to federal standards. 49 CFR 571.108

REJECT VEHICLE IF:

Tail lights do not meet requirements; do not function properly; improper color; cracked or broken lenses.

17) Turn
Signal,
Left
(armored)PROCEDURES/SPECIFICATIONS:

Flush mounted "armored" type amber clearance lamp mounted behind driver's seat at seat level and rub rail height. Functions with regular turn signal.

Exception: All buses purchased prior to September 1974 are exempt from having left armored turn signals.

Exception: Buses with capacity rating of less than 33 passengers are exempt. Buses manufactured in August 1974 or earlier are exempt. Buses that measure less than 80 inches wide or 20 feet long are exempt.

REJECT VEHICLE IF:

Left turn signal light does not meet requirements; does not function properly; improper color; cracked or broken lenses.

18) Turn
Signal,
Right
(armored)PROCEDURES/SPECIFICATIONS:

Flush mounted "armored" type amber clearance lamp mounted at approximately seat level and rub rail height just to rear of service door.

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Functions with regular turn signal lamps.

Exception: All buses purchased prior to September 1974 are exempt from having right armored turn signals.

Exception: Buses with capacity rating of less than 33 passengers are exempt. Buses manufactured in August 1974 or earlier are exempt. Buses that measure less than 80 inches wide or 20 feet long are exempt.

REJECT VEHICLE IF:

Right turn signal light does not meet requirements; does not function properly; improper color; cracked or broken lenses.

19) Turn
Signal,
FrontPROCEDURES/SPECIFICATIONS:

One amber lamp at least four inches in diameter, or 12 1/2 square inches, located on each side at or near the front. They shall be located at the same height and as far apart as practicable. Lamps must conform to federal standards. 49 CFR 571.108

Operate turn signals and four-way warning hazards to check performance of front and rear lights.

REJECT VEHICLE IF:

Front turn signal lights do not meet requirements; do not function properly; improper color; cracked or broken lenses.

Four-way warning hazards do not operate properly.

20) Turn
Signal,
RearPROCEDURES/SPECIFICATIONS:

Chassis manufactured after March 31, 1977, must have two 7 inch diameter, or 19 square

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inch, amber lenses mounted on the rear as far apart and as high as practicable below rear window. 49 CFR 571.108

Exception: Chassis manufactured prior to April 1, 1977, may have yellow or red turn signals with arrow lenses. 49 CFR 571.108

REJECT VEHICLE IF:

Rear turn signal lights do not meet requirements; improper color; do not function properly; cracked or broken lenses.

e) LOCKED
COMPARTMENT

PROCEDURES, SPECIFICATIONS:

Fire extinguisher, first-aid kit, and warning devices may be stored either in a closed, unlocked compartment or under lock and key, provided the locking device is connected with an automatic warning signal that will alert driver when compartment is locked. The automatic alarm shall be both audible and visible to the seated driver. The alarm shall alert the driver when the engine is running and the compartment is locked and cannot be readily opened without using a tool, key, or combination. An alarm cut-off or "squench" control is prohibited.

Each safety item inside the compartment shall be named on the outside of the compartment cover, or door. In addition, a RED CROSS formed of five equal squares shall be displayed on the cover when the first aid kit is inside the compartment.

Exception: A bus with chassis manufactured in March 1977 or earlier need not have a visible alarm.

REJECT VEHICLE IF:

Locked compartment is not readily accessible to driver; lettering or identification missing; alarm does not function properly when compartment is locked and vehicle is

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running.

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Section 441.APPENDIX H Mirrors Through Rub Rails**a) MIRRORS**PROCEDURES/SPECIFICATIONS:

Every required mirror shall be of reflecting material protected from abrasion, scratching, and corrosion. Mirror shall be firmly installed on stable supports so as to give a clear, stable, reflected view. Mirrors shall be adjustable so as to give and maintain its required field of view.

Convex crossover mirrors can be combined with either the right or left side safety mirrors provided the convex mirror meets the field of view and size requirements established in this subsection or in 49 CFR 571.111.

REJECT VEHICLE IF:

Mirrors do not meet requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

1) Exterior**A) Rear View
Driving**PROCEDURES/SPECIFICATIONS:

Shall be mounted outside on the left and right sides of the bus. Must give seated driver a view to the rear along each side of the bus. Must be at least 50 square inches of usable flat rectangular reflecting surface on each side. 49 CFR 571.111

If the rear view driving mirror does not provide the required field of view, a convex driving mirror must be installed to expand the driving view to the rear. However, the usable flat reflecting surface must be rectangular and must maintain at least 50 square inches.

REJECT VEHICLE IF:

Rear view driving mirror does not meet

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requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

**B) Right
Side
Safety**PROCEDURES/SPECIFICATIONS:

An outside convex mirror, either alone or in combination with the crossover mirror system, shall give the seated driver a view of the roadway along the right side of the bus between the most forward surface of the right front tire and the rear of the rear bumper. The projected reflecting surface of this convex mirror shall be at least 40 square inches (7 1/8 inches diameter if a circle).

Extra-wide-angle convex mirror heads are permissible on right front corner only.

Exception: A right safety mirror is optional on a bus manufactured in August 1974 or earlier.

REJECT VEHICLE IF:

Right side safety mirror does not meet requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

**C) Left Side
Safety
(Optional)**PROCEDURES/SPECIFICATIONS:

A convex mirror is required if the left rear view driving mirror system does not give the seated driver a reflected view of the roadway along the left side of the bus between the front edge of the driver's seat (in most forward position) and the rear of the rear bumper. The convex mirror shall be installed so that either alone or in combination with the rear view driving mirror gives the seated driver the proper view.

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Exception: A left safety mirror is optional on a bus with chassis manufactured in March 1977 or earlier.

REJECT VEHICLE IF:

Left side safety mirror does not meet requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

D) Crossover

PROCEDURES/SPECIFICATIONS:

An outside convex mirror shall give the seated driver a view of the front bumper and the area of roadway in front of the bus. The projected reflecting surface of this mirror shall be at least 40 square inches (7 1/8 inch diameter if a circle). 49 CFR 571.111

Exception: If the seated driver of a forward control bus has a direct view of the front bumper and the area of roadway in front of the bus, a crossover mirror is optional.

REJECT VEHICLE IF:

Crossover mirror does not meet requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

2) Interior

PROCEDURES/SPECIFICATIONS:

Clear view safety glass, minimum 6 inches x 30 inches overall; framed with rounded and padded corners and edges. It shall afford good view of the bus interior and portions of the roadway to the rear.

Exception: All buses manufactured prior to September 1974 are exempt from padding on the mirror.

REJECT VEHICLE IF:

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Interior mirror does not meet requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

b) PAINT
REQUIREMENTSPROCEDURES/SPECIFICATIONS:

The exterior of the body, excluding the required rails, shall be painted a uniform color, National School Bus Glossy Yellow. The front and rear bumpers, required rub rails and wheels shall be black. Additional rub rails may either be painted black or yellow. Grilles and hub caps may be a bright finish (e.g., chrome, anodized aluminum, etc.). Retaining rings may be gray or aluminum.

Manufacturer's name or emblem may be any color but must not interfere with required lettering, numbering, or arrows. (Section 12-801 of the Illinois Vehicle Equipment Law)

For buses manufactured on or after May 2, 1994, each opening for a required emergency exit must be outlined around its outside perimeter with a minimum 1 inch (2.54 cm.) wide yellow retroreflective tape. This yellow retroreflective tape must be on the exterior surface of the bus. (57 FR 49413, November 2, 1992)

Optional: Black areas around flashers are permitted, but must not interfere with "SCHOOL BUS" lettering.

Optional: ReflectORIZED tape is permitted provided it reflects the same color that it is applied to and is not located on any bumper.

Exception: Fenders on buses manufactured prior to January 1976 may be painted black. (Section 12-801 of the Illinois Vehicle Equipment Law)

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Exception: Hoods may be lusterless black or lusterless school bus yellow.

REJECT VEHICLE IF:

Paint does not meet color requirements or is in poor condition (i.e., faded, peeling or rusted).

Optional black area around flashers interferes with required lettering.

Optional reflectorized tape does not meet color requirements or is located on the bumper.

c) PROJECTIONS

1) Exterior

PROCEDURE SPECIFICATIONS:

Entire rear and bumper area of bus must be nonhitchable.

AGENCY NOTE:

"Nonhitchable" is defined as the rear of the bus being designed and maintained to prevent or discourage riding or grasping rear of bus so as to "hitch" rides.

REJECT VEHICLE IF:

Projections do not comply with nonhitchable requirements.

2) Interior

PROCEDURE SPECIFICATIONS:

Interior shall be free of all dangerous projections.

Optional equipment (e.g., video camera) that is located in the bulkhead area of the bus and not flush with the interior walls must meet the following requirements:

- 1) Must not interfere with occupants entering or exiting the bus.
- 2) Must not be located in driver's head impact zone.

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- 3) Must not obstruct required lettering.

Additional projections (e.g., external speakers) in the head impact zone shall be padded to prevent injury. This includes inner lining of ceiling and walls.
Installation of book racks is not permissible.

Exception: All buses purchased prior to September 1974 may be equipped with book racks. However, if book racks are present, they shall be above side windows and shall not extend forward of the front seat or across or above the emergency door. Racks must be free of projections likely to cause injury.

REJECT VEHICLE IF:

Optional equipment in bulkhead does not meet requirements.

Remaining projections are not padded (e.g., external speakers). Book racks are present.

Flush mounted speakers are exempt from padding requirements.

For buses purchased prior to September 1974, book racks do not meet requirements.

d) REFLECTORS

1) Front

PROCEDURE SPECIFICATIONS:

Two yellow rigid or sheet type (tape) front reflex reflectors shall be attached *securely* and as far forward as practicable. (Section 12-202 of the Illinois Vehicle Equipment Law) They shall be located between 15 and 60 inches above the roadway at either fender, cowl, or body and installed so as to mark the outer edge of the maximum width of the bus. No part of the required reflecting material may be obscured by a lamp, mirror, bracket, or any other portion of the bus. No part of the required reflecting material may

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be more than 11.8 inches (300 mm) inboard of the outer edge of the nearest rub rail (12 inches on a bus with chassis manufactured in March 1977 or earlier). The reflector may be any shape (e.g., square, rectangle, circle, oval, etc.). A rigid type reflex reflector may be any size if permanently marked either DOT, SAE A, or SAE J 594; otherwise, it shall display at least seven square inches of reflecting material (about 3 inch diameter if a solid circle).

A sheet type (tape) reflex reflector may conform to the surface on which it is installed but its forward projected reflecting area shall be at least eight square inches.

REJECT VEHICLE IF:

Missing or damaged reflective material; not located or positioned as required.

2) Left Side

PROCEDURES/SPECIFICATIONS:

One amber at or near the front and one red at or near the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. On sides of buses 20 feet or more in length, one amber as near center as practicable must also be provided. (Section 12-202 of the Illinois Vehicle Equipment Law) Minimum three inches in diameter.

REJECT VEHICLE IF:

Missing or damaged reflective material; not located or positioned as required.

3) Right Side

PROCEDURES/SPECIFICATIONS:

One amber at or near the front and one red at or near the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. On sides of buses 20 feet or more in length, one

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amber as near center as practicable must also be provided. (Section 12-202 of the Illinois Vehicle Equipment Law) Minimum three inches in diameter.

REJECT VEHICLE IF:

Missing or damaged reflective material; not located or positioned as required.

4) Rear

Two red reflectors on rear body within 12 inches of lower right and lower left corners. (Section 12-202 of the Illinois Vehicle Equipment Law) Minimum three inches in diameter.

REJECT VEHICLE IF:

Missing or damaged reflective material; not located or positioned as required.

e) RUB RAILS

PROCEDURES/SPECIFICATIONS:

There shall be one rub rail located approximately at seat level which shall extend from the rear of the service entrance completely around the bus body without interruption, except at functioning doors or a rear engine compartment, to a point of curvature near the front of the body on the left side.

There shall be one rub rail on each side located approximately at the floor line which shall extend over the same longitudinal distance as the rub rail located at the seat level.

More than two rub rails may be installed on sides and rear of bus.

Rub rails of longitudinally corrugated or ribbed steel at least 3.9 inches (100 mm) wide shall be fixed on the outside of the bus.

Exceptions:

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- 1) Rub rail need not extend across wheel housing.
- 2) Rub rail may terminate at the point of curvature at the right and left rear corners of the body.

REJECT VEHICLE IF:

Rub rails are missing; not firmly attached; incorrect color; or incorrect number of rails.

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Section 441.APPENDIX I Seat Belts Through Steps, Entrance**a) SEAT BELTS**PROCEDURES/SPECIFICATIONS:

Must be installed on driver's seat. (Section 12-807 of the Illinois Vehicle Equipment Law) Belt material, buckle, tongue, etc. shall remain above floor when not in use. All retractors installed shall be an automatic locking type.

Optional: Passenger seats may be equipped with adjustable seat belts. The securement of these belts must conform to 49 CFR 571.222. At all times, each seat belt shall be readily available for quick and easy use. All retractors installed shall be automatic locking type. Each belt assembly shall be clean.

Exception: On a bus manufactured in August 1974 or earlier, a retractor must be installed; however, the belt need not remain above floor but must not be excessively dirty.

REJECT VEHICLE IF:

Driver's seat belt is dirty, frayed, torn, cracked or broken or if retractor or buckle does not operate properly.

Optional belts are not secured, not adjustable, cracked, broken, frayed, torn or dirty.

**b) SEAT,
DRIVER'S**PROCEDURES/SPECIFICATIONS:

The driver's seat shall be rigidly positioned and shall afford vertical, forward and backward adjustments of not less than 3.9 inches (100 mm) without the use of a tool or non-attached device. The shortest distance between the steering wheel and the back rest of the operator's seat shall be no less than 11 inches (280 mm).

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Seat padding and covering shall be in good condition, free from holes and tears. Seat cushions shall be securely fastened to the seat frame.

REJECT VEHICLE IF:

Driver's seat is not securely anchored to floor; in poor condition; adjustment mechanism does not function properly.

c) SEAT,
PASSENGER

PROCEDURES/SPECIFICATIONS:

All seats shall have a minimum front to rear depth of 14 inches.

In determining seating capacity of a bus, individual seating width shall be 13 inches where 3-3 (three pupils on both sides of aisle) seating plan is used and 15 inches where 3-2 (three pupils on one side of aisle and two pupils on other side of aisle) plan is used.

All seats shall be forward facing and shall be securely fastened to that part or parts of the body which support them. No jump or portable seats are allowed.

The forwardmost seat on the right side of the bus shall be located so as not to interfere with the driver's vision and not be farther forward than the rear of the driver's seat when adjusted to its rearmost position.

The seat spacing shall be no more than 24 inches, measured from the seating reference point to the seat back or guard barrier in front of the seat. The distance between the rearmost position of the driver's seat and the front face of the seat back of the forwardmost seat on the left side shall not be less than 24 inches measured at cushion height.

A minimum of 36 inches of headroom for the sitting position above the top of the

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undepressed cushion line of all seats shall be provided. Measurement shall be made vertically not more than 7 inches from the side wall at cushion height and at the front and rear center of cushion.

Seat backs of similar size shall be of the same width at the top and of the same height from the floor and shall slant at the same angle with the floor.

Buses manufactured after June 30, 1987, shall be equipped with 28 inch seat backs. (Section 12-807.1 of the Illinois Vehicle Equipment Law)

Buses manufactured after December 31, 1987, shall have 28 inch guard barriers.

All buses manufactured during and after September 1974 shall be equipped with energy absorbing padding on all exposed top and side rails. The side rails shall be padded in such a manner to retain the 12 inch aisle (15 inches at two inches below top of seat back for buses manufactured after June 30, 1987). On the rear of a seatback, the padding shall extend from the top of the seat back to the top level of the seat cushion. Seat padding and covering shall be of fire resistant material. Padding and covering shall be in good condition (i.e., free from holes and tears). Seat cushions shall be securely fastened to the seat frame.

Optional: The rearmost seats may be exempt from seatback padding requirement.

Exception: All buses manufactured prior to September 1974 are exempt from padding on top and side rails and seat back to cushion level.

A flip-up seat may be located only adjacent to any side emergency door. For buses manufactured on or after September 1, 1994, the flip-up seat must conform to the following:

1) The seat must be designed so that, when

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in the folded position, the seat cushion is flat against the seat back to prevent a child's limb from becoming lodged between the seat cushion and seat back.

- 2) The seat must be designed to discourage a child from standing on the seat cushion when in the folded position.
- 3) The working mechanism under the seat must be covered to eliminate any tripping hazard.
- 4) All sharp metal edges on the seat must be padded to prevent any snagging hazard.
- 5) No portion of a seat frame or seat bottom may extend past door opening.
- 6) No portion of the door latch mechanism can be obstructed by a seat.
- 7) There must be at least 11.7 inches (30 cm) measured from the door opening to the seat back in front. (57 FR 49413, November 2, 1992); as amended at 59 FR 22997, May 4, 1994

REJECT VEHICLE IF:

Passenger seats are not firmly attached to body; broken frame; cushions not firmly attached; padding and covering not fire resistant. Padding or covering is loose, in poor condition, or missing; seats are torn or have holes; minimum seat dimensions or seat spacing is not in compliance.

d) STEERING SYSTEM

1) Exterior

A) King Pins

PROCEDURES/SPECIFICATIONS:

Raise vehicle so as to unload kingpins (brakes should be applied to eliminate wheel

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bearing looseness). Either grasp wheel at top and bottom or use a bar for leverage. Attempt to rock wheel in and out. Check movement at extreme top or bottom of tire. If movement exists, place a dial indicator, tape measure, or a fixed device at the wheel and measure amount of movement.

Place leverage bar under tire. Raise bar to check for vertical movement between spindle and support axle.

REJECT VEHICLE IF:

Wheel bearing movement exceeds 1/4 inch; or kingpin movement exceeds:

| Wheel size | Max allowed |
|--------------|-------------|
| 16" or less | 1/4" |
| 16.1" to 18" | 3/8" |
| over 18" | 1/2" |

B) Linkage PROCEDURES/SPECIFICATIONS:

For buses with single "I" beam or tube type front axle, hoist bus under axle. For buses with twin "I" beam type front axles or with "A frame" control arms, each axle or arm must be hoisted independently so as to load the ball joints. Grasp front and rear of tire and attempt to shake assembly right and left to determine linkage looseness. Measure movement of wheel.

Inspect for damage to or looseness following linkage components:

- 1) Ball Joints
- 2) Cotter Pins
- 3) Drag Link
- 4) Idler Arm
- 5) Pitman Arm
- 6) Steering Box
- 7) Tie Rod
- 8) Tie Rod Ends

REJECT VEHICLE IF:

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Measurement is found to be in excess of:

| Rim Diameter | Maximum Allowable Movement |
|--------------|----------------------------|
| 16" or less | 1/4" |
| 17" and 18" | 3/8" |
| over 18" | 1/2" |

Any linkage component is bent; welded; loose; insecurely mounted or missing.

C) Power Steering

PROCEDURES/SPECIFICATIONS:

Manually and visually inspect:

- 1) Belts
- 2) Cylinders
- 3) Fluid Level
- 4) Hoses
- 5) Mounting Brackets
- 6) Power Assist
- 7) Pump

REJECT VEHICLE IF:

Steering components are:

- 1) Loose, frayed, cracked, missing; incorrect belts
- 2) Loose and/or leaking
- 3) Low fluid level
- 4) Cracked, leaking, rubbed by moving parts
- 5) Cracked, loose, or broken
- 6) No assist is evident
- 7) Loose, leaking.

D) Toe-In/
Toe-OutPROCEDURES/SPECIFICATIONS:

With wheels held in a straight ahead position, drive vehicle slowly over the approved drive-on side slip indicator.

Excessive toe-in or toe-out is a general indication that complete check should be made of all front wheel alignment factors

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(caster, camber, steering axis inclination).

REJECT VEHICLE IF:

More than 30 feet per mile on the approved side slip indicator.

E) Wheel Bearings

PROCEDURES/SPECIFICATIONS:

With the front end of the vehicle lifted so as to load any ball joints, grasp the front tire top and bottom, rock it in and out. Record movement. To verify that any looseness detected is in the wheel bearing, notice the relative movement between the brake drum or disc and the backing plate or splash shield.

AGENCY NOTE:

Wheel bearing play can be eliminated by applying service brakes.

REJECT VEHICLE IF:

Relative movement between drum and backing plate, measured at tire, is 1/4 inch or more.

2) Interior

A) Column

PROCEDURES/SPECIFICATIONS:

Inspect to determine that column support bracket is properly tightened and all bolts are present.

REJECT VEHICLE IF:

Column support bracket is not properly tightened or bolts are missing.

B) Lash

PROCEDURES/SPECIFICATIONS:

With road wheels in straight ahead position, turn steering wheel until a turning movement can be observed at the left road wheel. Slowly reverse steering wheel motion and measure lash.

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REJECT VEHICLE IF:

Lash exceeds following acceptable limits:

| Steering wheel maximum diameter (inches) | Acceptable lash (inches) measured at maximum circumference |
|--|--|
| 16 or less | 2 |
| 18 | 2 1/4 |
| 20 | 2 1/2 |
| 22 | 2 3/4 |

C) Shaft

PROCEDURES/SPECIFICATIONS:

Grasp steering wheel with both hands and attempt to move shaft up and down.

REJECT VEHICLE IF:

Steering shaft moves up and down.

AGENCY NOTE:

Steering shafts on International-Navistar vehicles will move up and down but must be within manufacturer's tolerances.

D) Steering
WheelPROCEDURES/SPECIFICATIONS:

Inspect steering wheel condition.

REJECT VEHICLE IF:

Steering wheel is damaged. Any spokes are missing or reinforcement ring is exposed.

E) Travel

PROCEDURES/SPECIFICATIONS:

Turn steering wheel through a full right and left turn checking for binding, jamming and complete travel left and right.

REJECT VEHICLE IF:

Binding or jamming is present. Does not complete full turn from left to right. Tire rubs on fender or frame during turn.

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e) STEPS,
ENTRANCEPROCEDURES/SPECIFICATIONS:

Steps shall be enclosed and shall not protrude beyond side body line. Surface shall be of nonskid material with 1 1/2 to 3 inch white nosing as part of the nonskid material. Riser of upper step not more than 15 inches in height. When more than two steps are used, risers must be approximately of equal height, except when floor is plywood over steel. (Increase by thickness of plywood.)

REJECT VEHICLE IF:

Steps or risers are not solid. Steps, risers or nonskid material covering is missing, loose, or not in good condition. White nosing is missing or in poor condition.

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Section 441.APPENDIX J Stop Arm Panel Through Tow Hooks

a) STOP ARM
PANELPROCEDURES/SPECIFICATIONS:

A stop arm panel must be installed on the left side of the bus and may be operated either manually or mechanically. Decals may be used in lieu of painting.

Buses manufactured on or after September 1, 1992 must be equipped with an octagon-shaped semaphore which meet the requirements listed below under "Octagon."

Buses manufactured prior to September 1, 1992 may either be equipped with an octagon-shaped semaphore which meets the requirements listed below under "Octagon" or a hexagon shaped semaphore which meets the requirements listed below under "Hexagon."

Octagon - The arm shall be an octagon-shaped semaphore which measures at least 450 mm x 450 mm (17.72 inches x 17.72 inches) in diameter. The arm shall be red on both sides with a white border at least 12 mm (.47 inches) wide on both sides. The arm shall have the word "STOP" displayed in white uppercase letters on both sides. The letters shall be at least 150 mm (5.9 inches) in height and have a stroke width of at least 20 mm (.79 inches).

The octagon-shaped stop signal arm shall comply with either (a) or (b) below:

- a) The entire surface of both sides of the arm can be reflectorized to meet 49 CFR 571.131; or
- b) Each side of the arm shall have at least two red lamps centered on the vertical centerline of the stop arm. One lamp shall be located at the extreme top of the arm and the other at its extreme bottom. The lamps shall light and flash alternately when stop arm is extended

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and likewise turn off and stop flashing when arm is closed. (49 CFR 571.131) (See Section 441.Illustration A for examples.)

Hexagon - The arm shall be a hexagon shaped semaphore approximately 18 inches wide and 18 inches long and of 16 gauge metal. The stop arm signal shall have the "STOP" painted on both sides in white letters at least six inches high with a brush stroke approximately 7/8 inch wide. The word "STOP" shall be painted on a panel with red background of approximately 8 inches by 16 inches. Remaining area of stop arm blade is to be painted white with a band of white border at least 1/2 inch wide painted from and rear on both sides as contrast. White portion of stop arm signal shall be reflectorized or shall have double-faced lamps with red lens approximately four inches in diameter located in the top and bottommost position of the blade. These lamps shall light and flash alternately when stop arm is extended and likewise turn off and stop flashing when arm is closed. (Section 12-803 of the Illinois Vehicle Equipment Law) (See Section 441.Illustration A for examples.)

Optional: Strobe lamps are acceptable on stop arm panels.

REJECT VEHICLE IF:

Stop arm panel is in poor condition (i.e., faded, peeling, or rusted); lights do not operate properly (if installed); is not securely attached; is not operating properly; does not meet requirements; is missing.

b) STORAGE
COMPARTMENT
(optional)PROCEDURES/SPECIFICATIONS:

Covered, fire-resistant container securely fastened of adequate strength and capacity for tire chains and tools for minor emergency repairs.

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REJECT VEHICLE IF:

If installed, does not meet requirements.

PROCEDURES/SPECIFICATIONS:

Interior, adjustable, transparent, not less than 6 inches by 30 inches, installed above windshield. Must not interfere with view of interior rear view mirror.

Exemption: Buses purchased prior to August 1967 are exempt from having a transparent sun shield.

REJECT VEHICLE IF:

Sun visor does not meet requirements.

d) SUSPENSION

1) Shocks

PROCEDURES/SPECIFICATIONS:

Bus shall be equipped with front and rear double-acting shock absorbers compatible with manufacturer's rated axle capacity.

With vehicle on a hoist or jacked up, visually inspect shock absorbers for excessive leakage, looseness of mounting, brackets, and bolts.

Physically grab upper and lower portion of shock inspecting for looseness in rubber bushing, mounting brackets or bolts.

REJECT VEHICLE IF:

Shocks are missing or severe leakage (not slight dampness) occurs. Mounting bolts or mounts are broken or loose, or rubber bushing is partially or completely missing.

PROCEDURES/SPECIFICATIONS:

A) Coil

Visually inspect:

- 1) Spring
- 2) Control arms

2) Springs

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- 3) Torque arms (rear)

REJECT VEHICLE IF:

Coil is missing, disconnected, broken, loose bushings, welded or damaged.

PROCEDURES/SPECIFICATIONS:

With use of a pry bar and using frame as a pivot, attempt to pry front and rear spring attachments and check for movement. Front of vehicle must be jacked up on chassis for checking front suspension. Visually inspect:

- 1) Springs
- 2) Shackles
- 3) Hangers
- 4) U-bolts
- 5) Center bolts
- 6) Bushings or pivot

REJECT VEHICLE IF:

Springs are missing or broken. Shackles or "U" bolts worn or loose. Center bolt in springs sheared or broken. Steering stops allow tire to rub on frame or metal. Any leaves are cracked or missing. Any shackle, shackle pins, hangers, or "U" bolts are worn, loose, or missing.

- C) Torsion Bar (Stabilizer Bar)

PROCEDURES/SPECIFICATIONS:

Visually inspect:

- 1) Torsion bar
- 2) Mounting brackets
- 3) Control arms
- 4) Torque arms (if applicable - rear)
- 5) Stabilizer bar(s) (if applicable)

REJECT VEHICLE IF:

Torsion bar is missing, disconnected, broken,

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loose, welded, damaged.

e) TOW HOOKS
(optional)

1) Front

PROCEDURES/SPECIFICATIONS:

A front tow hook must not extend beyond the front of the front bumper. Each front tow hook not fastened securely to the chassis frame shall be connected to the frame by suitable braces.

REJECT VEHICLE IF:

Tow hook(s) extend beyond bumper; not securely attached.

2) Rear

PROCEDURES/SPECIFICATIONS:

Any tow hook(s) installed on the rear shall be attached or braced to the chassis frame or to an equivalent structural member of an integral type bus. A tow hook must not extend beyond the rear face of the rear bumper.

REJECT VEHICLE IF:

Tow hook(s) extend beyond bumper; not securely attached.

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Section 441.APPENDIX K Undercoating Through Windshield Wipers

a) UNDERCOATING

PROCEDURES/SPECIFICATIONS:

Fire resistant undercoating material applied to entire underside of body, front fenders, wheel wells, floor members, and side panels below floor level. Non-metallic parts need not be coated.

REJECT VEHICLE IF:

Undercoating does not meet requirements.

b) VENTILATION

PROCEDURES/SPECIFICATIONS:

Body must be equipped with ventilating system capable of supplying proper quantity of air under operating conditions.

REJECT VEHICLE IF:

Air is obstructed; not securely fastened; not covered.

c) WARNING
DEVICES

PROCEDURES/SPECIFICATIONS:

Either three red cloth flags not less than 12 inches square and three red reflectors minimum of 3 inches in diameter or three bidirectional emergency triangles that conform to 49 CFR 571.125 (Section 12-702 of the Illinois Vehicle Equipment Law) Kit shall be securely stored.

REJECT VEHICLE IF:

Required warning devices are not present or are in poor condition.

d) WHEELS

1) Housings

PROCEDURES/SPECIFICATIONS:

Full open type attached to floor sheet to

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prevent water, fumes or dust entering the body. Inside height should not exceed 10 inches above floor line. Housings shall allow for unimpeded wheel and tire service or removal. Housing shall provide clearance for installation and use of tire chains on the dual or single tires installed on the rear wheels.

Inspect tire and road wheel assemblies.

REJECT VEHICLE IF:

Wheel housings do not meet clearance requirement; wheel housings are not firmly secured; holes are present.

A tire or wheel is rubbing against any portion of the suspension, chassis, or body.

2) Rim

PROCEDURES/SPECIFICATIONS:

Inspect all wheel and rim bolts, nuts, studs, lugs, locking rings, etc. Each cover, cap, or decorative ring that obscures any of these items must be removed prior to the inspection.

Inspect for visible wheel damage.

REJECT VEHICLE IF:

Any wheel or rim securing device such as a nut, bolt, stud, lug, ring, or other type securing device is loose, missing, or cracked.

Wheel locating hole(s) are elongated, oversized, or "wallowed out." Any part of a wheel or rim is cracked, repaired by welding or rewelding, or damaged so as to cause unsafe operation of the vehicle.

3) Tires

PROCEDURES/SPECIFICATIONS:

Inspect tire for proper inflation (i.e., flat tire).

A regrooved, retreaded, or recapped tire shall

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not be on the front steering axle.

A tire with restricted use marking is prohibited. (e.g., "NHS" or "SU" following size marking, "Off Highway," "Farm Use," "Racing Only," etc.)

No school bus shall be equipped with any tire which has been so worn that tread configuration is absent on any part of the tire in contact with the road surface.

Inspect for tread wear:

1) Check for the presence of tread wear indicators.

2) For tires without tread wear indicators, use tread depth gauge to measure groove depth.

Steering (Front) Axle: Measure groove depth at any point on a major tread groove.

Drive (Rear) Axle: Measure groove depth in any two adjacent grooves at three equally spaced intervals around the circumference of the tire.

Do not measure on a tie-bar, groove hump, or fillet.

3) For tires without tread wear indicators and with noncircumferential grooves, or "spaces," between the tread elements (as in snow, mud, lug knob, or traction treads):

Steering (Front) Axle: Measure in a major groove at a point halfway between the center of the tire and the outside of the tread at any point on a major tread groove.

Drive (Rear) Axle: Measure in a major groove at a point halfway between the center of the tire and the outside of the tread at three

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equally spaced intervals around the circumference of the tire.

- 4) Inspect tire for bald, partially bald, cupped, dished or unevenly worn areas.

AGENCY NOTE: "Bald" means without a groove.

Inspect for visible cord damage and exposure of ply cords in sidewalls and treads, including belting material cords.

Inspect for evidence of tread or sidewall separation.

Inspect for regrooved or recut treads.

AGENCY NOTE: 49 CFR 369 requires tires marked "REGROOVABLE" to have sufficient tread rubber that, after regrooving, cord material below the grooves shall have a protective covering of tread material at least 3/32 inch thick.

Inspect tires for legible markings showing size designation and carcass construction.

AGENCY NOTE: "R" in size designation shows radial construction. More plies at tread than sidewall shows belted construction. Same number of plies at tread and sidewall, without a belted or radial indication, shows plain bias construction.

Tires on same axle must be of same construction.

Inspect tires for size designation and for matched construction.

AGENCY NOTE: "Construction" refers to bias, bias belted, or radial arrangement of ply cords in the tire carcass.

Inspect each single dual tire assembly.

A mixture of regular and mud-and-snow treads must be the same on both sides of axle.

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When radial and conventional (i.e., bias) tires are both used on a vehicle, one of the following two requirements shall be met:

- 1) On vehicles with one single wheel axle and one or more dual wheel axles, radial tires shall be used on the steering (i.e., front) axle only.

- 2) On vehicles having two single wheel axles, radial tires shall be used on the rear axle only.

A tube built only for bias tire shall not be installed in a radial tire. Red color shall not be added to stem of a "bias" tube. (Valve stem of tube for radial tire is either marked "radial" or has red ring or is painted red.) A "radial" tube and flap may be used in a bias tire.

Inspect valve stems.

REJECT VEHICLE IF:

Improper inflation (flat tire).

Regrooved, retreaded or recapped tire is located on front steering axle.

Restricted marking is present.

Any part of tire which is in contact with road surface is absent of tread configuration.

- 1) Tread wear indicators contact road in any two adjacent grooves at three equally spaced intervals around the circumference of the tire.

- 2) On steering (front) axle: Tread groove depth is less than 4/32 inch when measured at any point on a major tread groove.

On drive (rear) axle: Tread groove depth is less than 2/32 inch when measured in any two adjacent grooves at three

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essentially equally spaced intervals around the circumference of the tire.

- 3) On steering axle: Tread groove depth is less than 4/32 inch when measured in a major groove at a point halfway between the center of the tire and the outside of the tread at any point on a major tread groove.

On drive axle: Tread groove depth is less 2/32 when measured in a major groove at a point halfway between the center of the tire and the outside of the tread at three essentially equally spaced intervals around the circumference of the tire.

- 4) The tire has bald, partially bald, cupped, dished or unevenly worn areas. A broken or cut cord can be seen. Rubber is worn, cracked, cut or otherwise deteriorated or damaged so that a cord can be seen either when the tire is not touched or when the edges of the crack, cut or damage are parted or lifted by hand.

Tire has bump, bulge, knot or other evidence of partial carcass failure, air seepage, or loss of adhesion between carcass and tread or sidewall.

Tread has been regrooved or recut on a tire that does not have the word "REGROOVABLE" molded on or into both sides of the tire.

A tire on a road wheel does not exhibit a legible size marking and a legible construction marking.

Tires on the same axle are not of same construction.

A tire exceeds the diameter (not width) of its mate by 1/2 inch (1/4 inch radius) or more; or one tire touches its mate.

A mixture of regular and mud-and-snow treads are not the same on both sides of the axle.

Requirements for using both radial and conventional tires on a vehicle are not met.

A tube built only for bias tire but installed in a radial tire.

A valve stem leaks; is cracked; is either damaged or positioned as to allow air pressure checking or inflation; or shows evidence of wear because of misalignment.

e) WINDOWS

PROCEDURES SPECIFICATIONS:

All applicable provisions of 49 CFR 571.23 apply to the optional laminated safety glass and also to any plastic material(s) used in a multiple glazed unit.

Glazing shall be marked as follows pursuant to 49 CFR 571.204:

- 1) Windshield - "AS 1" Glass
- 2) Driver's Window - "AS 1" Glass or "AS 2" Glass
- 3) Driver's door - "AS 1" Glass or "AS 2" Glass
- 4) All other locations - "AS 1" Glass, "AS 2" Glass, or "AS 3" Glass.

REJECT REASON:

Windows do not meet requirements or are not properly installed.

- 1) Emergency
(Also see
EMERGENCY
EXITS)

PROCEDURES SPECIFICATIONS:

When the emergency door is located on the left side, a rear emergency window shall be

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provided. Minimum dimensions are 16 inches high and 48 inches wide. Designed to be opened from the inside or the outside. Hinged on top, designed and operated to insure against accidental closing in an emergency. Inside handle shall provide for quick release. Outside handle shall be nondetachable and nonhitchable. When locked or not fully latched, window shall actuate alarm audible and visible to driver. No cutoff switch allowed.

Optional emergency windows are allowed. They must be labelled "Emergency Exit" in letters at least two inches high, of a color that contrasts with its background, located at the top of or directly above the window on the inside surface of the bus. Optional emergency windows must be equipped with an audible alarm activated when window is locked or not fully latched.

REJECT VEHICLE IF:

Operating mechanisms do not function. Alarm does not function. Glass is cracked or broken (see EMERGENCY EXIT - Alarms and Locks).

PROCEDURES/SPECIFICATIONS:

Glazed panels, or windows, (except rear emergency window) shall be of fixed type. Any authorized or required signs, letters or numerals displayed on the window in the rear of the bus shall be located so as not to obstruct the driver's view.

REJECT VEHICLE IF:

Glass is cracked or broken. Visibility through rear windows is obstructed.

PROCEDURES/SPECIFICATIONS:

Each side window shall provide unobstructed emergency opening at least 9 inches high and 22 inches wide, obtained either by lowering window or by use of knock-out type split sash.

3) Side

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A "Stop Line" is required six inches from top of window on all windows. Safety glass with exposed edges shall be banded.

Window latches must be in proper working order.

Exception: The requirements of this subsection do not apply to a side window or glazed panel installed forward of a front passenger seat, and are optional for a side window installed either beside a rear passenger seat, or in a side emergency exit.

Note: For information regarding optional route identification markings, see Lettering.

REJECT VEHICLE IF:

Side windows do not meet emergency opening requirements. Window does not open easily. Glass is cracked or broken. Stop lines are missing.

Window latches do not operate properly.

PROCEDURES/SPECIFICATIONS:

Shall be installed between front corner posts and designed not to obstruct driver's view. (Section 12-501 of the Illinois Vehicle Equipment Law) Windshield shall be slanted to reduce glare. Tinted safety glass shall only be allowed six inches below top of windshield.

REJECT VEHICLE IF:

Windshield is not firmly sealed or attached. Glass is broken, cracked, or discolored (not including allowed tint).

PROCEDURES/SPECIFICATIONS:

Windshield washer shall effectively clean entire area covered by both wipers.

Exception: All buses purchased prior to

F) WINDSHIELD
WASHER

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September 1974 are exempt. However, if bus is so equipped, washer must be in good operating condition.

REJECT VEHICLE IF:

Windshield washer does not effectively clean entire area or does not operate properly.

9) WINDSHIELD
WIPERSPROCEDURES SPECIFICATIONS:

Two automatic, variable speed wipers with nonglare arms and blades. Need not be individually powered.

REJECT VEHICLE IF:

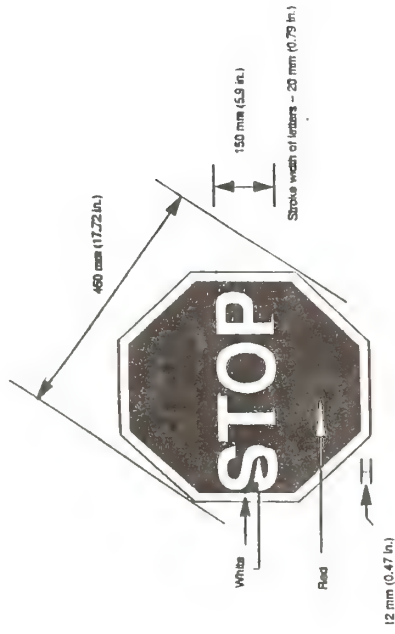
Windshield wipers do not cover entire cleaning area. Blades are damaged, torn, hardened, or rubber wiping element has broken down. Wiper fails to park properly when shut off.

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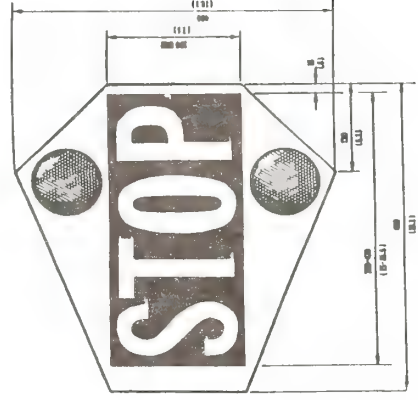
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Section 441. ILLUSTRATION A Stop Arm Panels

Octagon Shaped Semaphore (see Section 441. APPENDIX J(a))



Hexagon Shaped Semaphore (see Section 441. APPENDIX J(a))



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Section 441. ILLUSTRATION C Brake Inspection Report

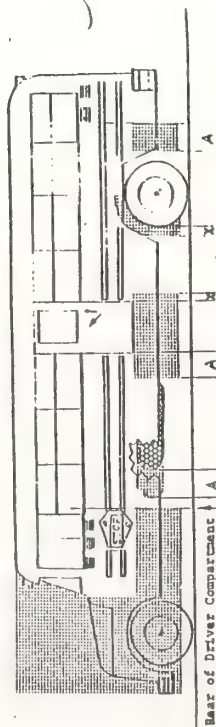
[IDOT LETTERHEAD]

SCHOOL BUS BRAKE
INSPECTION REPORT

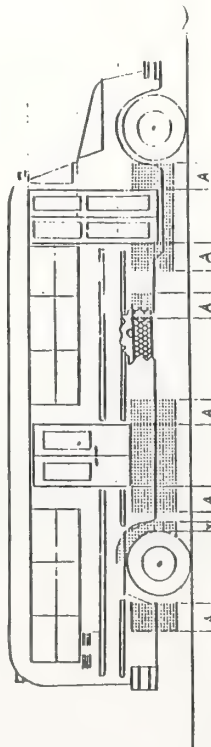
Section 441. ILLUSTRATION B Exhaust Guidelines

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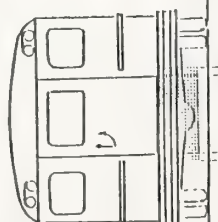
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NOT TO SCALE



- Distance A = 1 meter (39 3/8")
- Distance X = 150 millimeters (5 7/8")
- Prohibited Zone
- Ventilating Air Intake (anywhere on side)
- Fuel Tank
- Heat shield between tank & discharge eliminates prohibited zone at tank.



District of Contractor:

Name _____ Telephone() _____
 Address _____
 City/State _____ Zip _____
 School Bus Unit Number _____ Chassis Make _____
 Chassis Year _____ Chassis V.I.N. _____

Illinois law requires all school buses to be safety inspected at least once every six months or 10,000 miles, whichever occurs first. In addition, the Illinois Department of Transportation requires that a visual brake inspection be performed on every school bus operated in Illinois at least once a year or every 10,000 miles, whichever occurs first.

A completed School Bus Brake Inspection Report must be presented to the Certified Safety Tester each time a school bus is taken to an Official Testing Station for a safety inspection.

I attest that the entire brake system on the school bus listed above was inspected and found to be operating in accordance with the manufacturer's specifications or was repaired to perform in accordance with the manufacturer's specifications. The visual inspection of the brake system was performed on _____ by a qualified mechanic employed by _____

(date) The mileage on this school bus

(business/school district where brake inspection was completed)

was _____ when the visual brake inspection was performed.
 (mileage)

(name of authorized school district official or contractor)
 Please print or type
 _____ (date)

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(signature of authorized school
district official or contractor)

(title)

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Section 441. ILLUSTRATION D Propane Decal



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Section 441. ILLUSTRATION E Driver's Pre-Trip Inspection Requirements and Sample Form

As required in Section 13-115 of the Illinois Vehicle Inspection Law, drivers must complete the following "Pre-trip Inspection" daily:

"Each day that a school bus is operated the driver shall conduct a pre-trip inspection of the mechanical and safety equipment on the bus as prescribed by rule or regulation of the Department." (Section 13-115 of the Illinois Vehicle Inspection Law)

The following requirements became effective August 1, 1975:

- a) The driver must inspect his vehicle each day prior to beginning a trip.
- b) The driver is required to make a written report of this pre-trip inspection. He must report any defects found to the proper authority so that the defects can be corrected.
- c) The pre-trip inspection report shall be made in duplicate.
- d) As designated by the owner, the original copy shall be presented to the person of authority on a daily basis. These original copies shall be retained by the owner for one hundred and eighty days.
- e) The duplicate copy shall remain in the bus for a period of at least thirty days.
- f) The form shall specify items to be checked (see subsection (i)) and the minimum information to be recorded.
- g) The pre-trip inspection records and reports will be made available for inspection and audit by authorized representatives of the Department at any time.
- h) It is the responsibility of the bus owner to furnish pre-trip inspection report forms that meet the minimum requirements of this Chapter.
- i) Required items to be checked during the driver's Pre-Trip Inspection:
 - 1) Coolant; oil; battery; washer fluid levels; fan belts; and wiring.
 - 2) Steps; cleanliness; upholstery; windows; warning devices; fuses; first aid kit; fire extinguisher; emergency door (open and close); lettering.

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- 3) Odometer reading and indication of whether or not state inspection is due.
- 4) Steering wheel; windshield wipers and washers; heater and defroster; horn; service door (open and close); all mirrors (adjustment); door buzzer; clutch; brake warning buzzer; stop arm control; gear shift lever; neutral safety switch; water temperature; fuel; vacuum or air pressure; gauges; parking brake; seat belt(s).
- 5) Ammeter; all interior lights; headlights (high/low beams).
- 6) Right front wheel and tire; right side marker lamps; turn signal light and reflectors; right rear view and safety mirror; headlights; turn signals; cluster; clearance; and I.D. lights; alternating flashing lights; windshield; underside of chassis; crossover mirror; left rear view mirror and safety mirror; left front wheel and tire; driver's side window; stop arm; left side marker lamps; turn signal light and reflectors; emergency door (open and close); left rear wheels and tires; exhaust system (tailpipe clear); cluster; clearance and I.D. lights; taillights; turn signals and reflectors; alternating flashing lights; rear emergency door (open and close); right rear wheels and tires; fuel tank filler caps.
- 7) Drain air brake tank. Record condition of bus (i.e., satisfactory or unsatisfactory).

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COMPANY NAME OR SCHOOL DISTRICT NAME

| | | | |
|---|----------------|------------|------------|
| Bus _____ | Odometer _____ | Date _____ | Time _____ |
| Open Hood and Check: | | | |
| <input type="checkbox"/> Coolant, Oil, Battery, Washer | | | |
| <input type="checkbox"/> Fluid Levels, Fan Belts and Wiring | | | |
| Enter Bus and Check: | | | |
| <input type="checkbox"/> Steps, Cleanliness, Upholstery, Windows, Warning Devices, Fuses, First Aid Kit, Fire Extinguisher and Emergency Door (open and close), Lettering | | | |
| Record Odometer Readings _____ (Circle if State Inspection is due shortly) | | | |
| Start Engine and Check: | | | |
| <input type="checkbox"/> Steering Wheel | | | |
| <input type="checkbox"/> Windshield Wipers and Washers | | | |
| <input type="checkbox"/> Heater and Defroster | | | |
| <input type="checkbox"/> Horn | | | |
| <input type="checkbox"/> Service Door (open and close) | | | |
| <input type="checkbox"/> All Mirrors (Adjustment) | | | |
| <input type="checkbox"/> Door Buzzer | | | |
| <input type="checkbox"/> Clutch | | | |
| <input type="checkbox"/> Brake Warning Buzzer | | | |
| <input type="checkbox"/> Stop Arm Control | | | |
| <input type="checkbox"/> Gear Shift Lever | | | |
| <input type="checkbox"/> Neutral Safety Switch | | | |
| <input type="checkbox"/> Water Temp., Fuel, Vacuum or Air Pressure | | | |
| <input type="checkbox"/> Gauges | | | |
| <input type="checkbox"/> Parking Brake | | | |
| <input type="checkbox"/> Seat Belt | | | |
| Drive Bus Forward and Apply Brakes | | | |
| Activate All Lights and Check: | | | |
| <input type="checkbox"/> Ammeter, All Interior Lights, Headlights (high/low beams) | | | |
| Drain Air Brake Tank | | | |
| Condition of this Bus is: | | | |
| <input type="checkbox"/> Satisfactory | | | |
| <input type="checkbox"/> Unsatisfactory | | | |

REMARKS _____

Signature of Driver making Report _____

Signature of Mechanic making Repairs _____

Date Repairs Completed _____

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1) Heading of the Part: Inspection Procedures for Type II School Buses2) Code Citation: 92 Ill. Adm. Code 443

3) Section Numbers:

| | |
|--------------------|-------------|
| 443.10 | New Section |
| 443.20 | New Section |
| 443.25 | New Section |
| 443.30 | New Section |
| 443.40 | New Section |
| 443.Appendix A | New Section |
| 443.Appendix B | New Section |
| 443.Appendix C | New Section |
| 443.Appendix D | New Section |
| 443.Appendix E | New Section |
| 443.Appendix F | New Section |
| 443.Appendix G | New Section |
| 443.Appendix H | New Section |
| 443.Appendix I | New Section |
| 443.Appendix J | New Section |
| 443.Appendix K | New Section |
| 443.Appendix L | New Section |
| 443.Illustration A | New Section |
| 443.Illustration B | New Section |
| 443.Illustration C | New Section |
| 443.Illustration D | New Section |
| 443.Illustration E | New Section |

4) Statutory Authority: 625 ILCS 5/Ch. 12, Art. VIII and 5/Ch. 135) Effective Date of Rulemaking: March 13, 19956) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? Yes.

These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.

8) Date Filed in Agency's Principal Office: March 7, 19959) Notice of Proposal Published in Illinois Register: September 9, 1994, 18 Ill. Reg. 1396510) Has JCAR issued a Statement of Objections to these rules? No11) Difference(s) between proposal and final version:

The Department added an "s" to "Conversion" at "Appendix L" of the

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Table of Contents.

The Department corrected the ILCS citations throughout the rule.

At Section 443.10, the Department corrected the Section heading.

At Section 443.25, the Department inserted "and as amended at 59 FR 22997, May 4, 1994."

The Department indented all definitions in Section 443.40.

At Section 443.Appendix A(b), the Department deleted "May 2, 1994" and inserted "September 1, 1994" in its place.

At Section 443.Appendix A(b)(4), the Department inserted "; as amended at 59 FR 22997, May 4, 1994)" after "1992."

At Section 443.Appendix D(b), the Department inserted "; as amended at 59 FR 22997, May 4, 1994)."

At Section 443.Appendix I(c), the Department deleted "May 2, 1994" and inserted "September 1, 1994" in its place.

At Section 443.Appendix K(d)(3), the Department deleted the period after "prohibited" and inserted a period after ~~"etc."~~ "etc.").

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:

By this Notice of Adopted Rules, the Department is establishing a new Part 443 which consists of the inspection requirements and criteria for Type II school buses. Elsewhere in this issue of the *Illinois Register*, the Department is repealing Appendices A through G and Illustrations A and B in 92 Ill. Adm. Code 451 which previously addressed the inspection criteria for Type II school buses. Through reorganizing, the Department is clarifying, correcting, adding to and deleting some requirements.

The following analysis indicates changes made to individual components.

Air cleaner:

Adding "not properly attached" as cause for rejection.

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Aisle:

Adding criteria pursuant to 57 FR 49413, November 2, 1992 requiring additional emergency exits.

Battery:

Adding "insufficient capacity" as cause for rejection.

Brakes:

Renaming booster to master cylinder.

Adding inspection criteria for brake inspection report.

Adding exception from brake inspection report requirements for new buses.

Bumper:

Adding provisions for optional crossing arm.

Defroster:

Adding requirements for auxiliary fans to be securely mounted and have protected blades.

Drive Shaft Guard:

Clarifying protection of each segment of the drive shaft guard.

Emergency Exits:

Adding provisions for optional emergency roof hatches. Correcting requirement for left emergency door to have glass only in lower portion of the door.

Correcting requirement for only inside release mechanism to be protected.

Adding provisions for optional emergency windows.

Clarifying alarm requirements for optional and required exits.

Adding criteria pursuant to 57 FR 49413, November 2, 1992 requiring additional emergency exits.

Entrance Door:

Clarifying language.

Deleting requirement that locking system be dependent on driver being seated to operate the door. (It is physically impossible and unnecessary for driver to remain seated.)

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Exhaust System:

Reorganizing and rewriting subsection for consistency with Type I School Bus Standards.

Fire Extinguisher:

Adding approval of halon fire extinguisher.

First Aid Kit:

Clarifying requirement that minimum number of packages be sealed.
Adding approval of OSHA approved blood-borne pathogen kits.
Removing Commercial Type as a kit option.
(Commercial Type kits are not longer used by the industry.)

Floor Covering:

Adding metal floor stripping as subject to inspection.

Frame and Body:

Adding provision for collision damage as subject to inspection.

Fuel Storage System:

Adding exception for shielding of some diesel powered engines.

Expanding alternate fuel inspection criteria for liquefied petroleum gas and compressed natural gas.

Heaters:

Adding padding requirement if heater is not protected by a seat.

Instrumental Panel:

Adding emergency/parking brake indicator light as subject to inspection.

Lettering:

Adding Agency Note regarding marking requirements for school buses operated under interstate authority.
Correcting language by moving emergency window lettering to interior.
Removing requirement for lettering to be located at least 44

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inches above the floor level on the rear emergency door.
Adding criteria pursuant to 57 FR 49413, November 2, 1992 requiring additional emergency exits.

Lights:

Renaming cluster to identification lights.
Correcting error in eight light flashing system by adding instructions to close the door.
Eliminating headlight aiming requirement as subject to inspection.
Renaming marker to sidemarker lights.
Clarifying stepwell light requirements.

Mirrors:

Rewriting subsection for consistency with Type I School Bus Standards.
Adding provisions for combining convex crossover mirrors with other mirrors.

Paint:

Adding provisions for optional reflectorized tape.
Adding provisions for required reflectorized tape pursuant to 57 FR 49413, November 2, 1992.

Projections:

Adding provisions for eliminating dangerous projections.
Clarifying provisions for optional equipment installed in the bus.

Rub Rails:

Eliminating requirement for rub rail on all functioning doors.

Seat, Passenger:

Clarifying requirements for seat spacing measurements.
Adding criteria for flip-up seats pursuant to 57 FR 49413, November 2, 1992 requiring additional emergency exits.

Steps:

Adding provisions for white nosing on steps.

Stop Arm Panel:

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 443

INSPECTION PROCEDURES FOR TYPE II SCHOOL BUSES

| Section | Purpose and Scope |
|----------------|---|
| 443.10 | Application |
| 443.20 | Incorporation by Reference of Federal Regulations |
| 443.25 | Standards of Construction |
| 443.30 | Definitions |
| 443.40 | APPENDIX A Air Cleaner Through Barrier, Guard |
| | Battery or Batteries Through Bumper, Front |
| APPENDIX B | Bumper, Rear Through Drive Shaft Guard |
| APPENDIX C | Electrical System Through Fenders |
| APPENDIX D | Filter, Oil Through Frame and Body |
| APPENDIX E | Fuel Storage and Delivery System Through Horn |
| APPENDIX F | Instruments and Instrument Panel Through Locked Compartment |
| APPENDIX G | Mirrors Through Rub Rails |
| APPENDIX H | Seat Belts Through Steps |
| APPENDIX I | Stop Arm Panel Through Tow Hooks |
| APPENDIX J | Undercoating Through Windshield Wipers |
| APPENDIX K | Illinois Minimum Standards for School Bus - Van Type |
| APPENDIX L | Conversions 1-16 Passengers Purchased Prior to September 1974 |
| ILLUSTRATION A | Stop Arm Panels |
| ILLUSTRATION B | Exhaust Guidelines |
| ILLUSTRATION C | Brake Inspection Report |
| ILLUSTRATION D | Propane Decal |
| ILLUSTRATION E | Driver's Pre-Trip Inspection Requirements and Sample Form |

AUTHORITY: Implementing and authorized by Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13].

SOURCE: Adopted at 19 Ill. Reg. **4634**, effective **MAR 13 1995**.

Section 443.10 Purpose and Scope

This Part prescribes the requirements of the Illinois Department of Transportation governing:

- a) implementation of Article VIII, the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII];
- b) inspection procedures for Type II school buses; and
- c) performance of the daily pre-trip inspection by school bus drivers.

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Adding language pursuant to 56 FR 20363, May 3, 1991 requiring stop arm panels
Clarifying language pursuant to P.A. 88-415 which allows octagon-shaped semaphores on all school buses.
Approving optional strobe lamps.

Wheels/Tires:

Adding proper inflation of tires as subject to inspection.
Changing requirement for measuring tread groove depth on steering axle from three locations on the tire to one location.
(Change is being made for consistency with 625 ILCS 5/12-405(d).)

Windows:

Clarifying language for consistency with Type I School Bus Standards.

16) Information and questions regarding these adopted rules shall be directed to:

Name: Ms. Cathy Allen
Address: Regulation and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
Telephone: (217)785-1181

17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

The full text of the Adopted Rule begins on the next page:

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Section 443.20 Application

This Part applies to the following persons:

- a) Department personnel;
- b) Owners of Official Testing Stations;
- c) Employees of Official Testing Stations;
- d) School bus operation managers; and
- e) School bus drivers.

Section 443.25 Incorporation by Reference of Federal Regulations

Whenever this Part refers to the Code of Federal Regulations and that reference incorporates the federal regulations by reference, the federal regulations incorporated shall be that which was effective as of October 1, 1992, as amended at 57 FR 49413, November 2, 1992; as amended at 57 FR 57000, December 2, 1992; as amended at 57 FR 57020, December 2, 1992; and as amended at 59 FR 22997, May 4, 1994, not including any later amendments or editions. Copies of appropriate federal regulations are available for inspection at the Department's Commercial Vehicle Safety Section.

Section 443.30 Standards of Construction

- a) "Shall" and "must" are used in the imperative sense. "Shall" imposes an obligation to act. "Must" defines a condition that is to be satisfied. "May" allows permissiveness under terms specified in the standards. "Will" indicates intention, promise or willingness.
- b) Words imparting the masculine gender include the feminine.
- c) Changes in the administration of the state school bus inspection program and changes to federal and state law have caused the purchase or manufacture date of school buses to be critical in the application of this Part. The effective dates for some of these standards will vary.

1) Exemptions to some standards are provided for school buses purchased prior to September 1974, the effective date of the Department's "Vehicle Inspection Stations Governing School Buses."

2) Exemptions are provided for Type II school buses manufactured prior to October 1978, the date of the Department's Order "Minimum Safety Standards for Construction of Type II School Buses."

3) Some standards are identified with other effective dates. These standards are applicable to all school buses manufactured or purchased after the identified date or during the time frame specified.

Section 443.40 Definitions

"Body" - Portion of vehicle that encloses the occupant and cargo

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spaces and separates those spaces from the chassis frame, engine compartment, driveline, and other chassis components, except certain chassis controls used by the driver.

"Body-on-Chassis" - Completed vehicle consisting of a passenger seating body mounted on a truck type chassis (or other separate chassis) so that the body and chassis are separate entities, although one may reinforce or brace the other.

"Bus" - Every motor vehicle, other than a commuter van, designed for carrying more than ten persons. (Section 1-107 of the Illinois Vehicle Code (the Code)) [625 ILCS 5/1-107]

"Chassis" - Every frame or supportive element of a school bus that contains but is not limited to the axles, engine, drive train, steering components, and suspension which the body is attached to. (Section 1-110.1 of the Code)

"Code" - The Illinois Vehicle Code [625 ILCS 5]

"Commercial Vehicle Safety Section" (CVSS) - A section of the Bureau of Safety Programs of the Division of Traffic Safety of the Illinois Department of Transportation.

"Department" - The Department of Transportation of the State of Illinois, acting directly or through its authorized agents or officers. (Section 13-100 of the Code)

"Empty Weight" - Unloaded vehicle weight; i.e., the weight of a vehicle with maximum capacity of all fluids necessary for operation of the vehicle but without cargo or occupant.

"Federal Motor Vehicle Safety Standards" (FMVSS) - The rules, regulations and standards set forth in 49 CFR 571.

"Gross Vehicle Weight Rating or GVWR" - The value specified by the manufacturer as the loaded weight of the school bus. (Section 12-800 of the Illinois Vehicle Equipment Law)

"Illinois Vehicle Equipment Law" - [625 ILCS 5/Ch. 12]

"Manufacturer" - (unless otherwise indicated at the point of use) means the person or organization whose name follows "MANUFACTURED BY" or "MFD BY" on the federal and state certification label.

"Newton" (N) - Metric unit of force and weight. N = mass multiplied by the standard acceleration of free fall, or "gravity" (i.e., 9.8).

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"Passenger" - Every occupant of the vehicle who is not the driver.

"Purchase Date" - Date when purchase transaction was completed, not when body or chassis was built.

"School Bus" -

Type I School Bus - A School Bus with gross vehicle weight rating of more than 10,000 pounds.

Type II School Bus - A School Bus with gross vehicle weight rating of 10,000 pounds or less. (Section 12-800 of the Illinois Vehicle Equipment Law)

Every motor vehicle, except as provided below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other educational facilities.

A motor vehicle of the first division. (Section 1-182 of the Code)

"Vehicle" -

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First Division: Those motor vehicles which are designed for the carrying of not more than ten persons.

Second Division: Those vehicles which are designed for carrying more than ten persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses. (Section 1-217 of the Code)

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Section 443.APPENDIX A Air Cleaner Through Barrier, Guard**a) AIR CLEANER**PROCEDURE/SPECIFICATIONS:

Any type is acceptable.

REJECT VEHICLE IF:

Air cleaner is not properly attached or is missing.

b) AISLEPROCEDURES/SPECIFICATIONS:

Unobstructed minimum clearance leading from service door to emergency door or back of bus must be at least 12 inches wide. Floor to ceiling height must be minimum of 58.9 inches at any location with the aisle.

A dedicated aisle may be present adjacent to any side emergency door. For buses manufactured on or after September 1, 1994, the following must be met:

- 1) The aisle must be unobstructed at all times.
- 2) No portion of a seat or barrier may extend past the door opening.
- 3) No portion of the door latch mechanism can be obstructed by a seat.
- 4) There must be at least 11.7 inches (30 cm) measured from the door opening to the seat back in front. (57 FR 49413, November 2, 1992; as amended at 59 FR 22997, May 4, 1994)

REJECT VEHICLE IF:

Aisle does not meet minimum standards.

**c) ALTERNATOR
(GENERATOR)**PROCEDURES/SPECIFICATIONS:

The generator, or alternator with rectifier, shall have a minimum capacity rating of 55 amperes and shall be capable of meeting all

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electrical requirements.

REJECT VEHICLE IF:

Alternator does not meet minimum standards or is not functioning.

PROCEDURES/SPECIFICATIONS:

Meets federal chassis requirements as indicated on federal certification label. (49 CFR 568) Wheel base shall not be less than 123 inches.

REJECT VEHICLE IF:

Axles show visible signs of apparent damage, leaking fluids or are not firmly attached.

PROCEDURES/SPECIFICATIONS:

Shall be either the following Type A or B:

TYPE A: Constructed and thickly padded to give head and knee impact protection. Installed at the rear of service entrance at least 23 inches ahead of seat back and no more than one inch from right hand wall, bottom shall be no more than two inches above floor. Guard barrier shall match width and above-floor height of the seat-back on right-front forward-facing seat; provided, however the barrier's width shall be reduced as necessary to maintain a 12 inch wide service entrance way and aisle. Except for a grab handle, the guard barrier shall not extend more than one inch ahead of the rear of service door opening nor more than one inch into the space above any service step. No portion of the barrier shall present a "snagging," sharp, tripping, or other hostile surface to a person moving through aisle or service entrance way.

TYPE B: Stanchion post shall be installed to the rear and left of the service entrance step well from floor to ceiling with guard

e) BARRIER,
GUARD

d) AXLES

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rail attached approximately 30 inches above the floor. A step well guard panel installed from stanchion to right hand wall and from guard rail to within two inches of floor. Clearance between step well and first seat should be at least 24 inches measured from panel to front face of seat back at cushion height. All stanchion and guard rails shall be padded. Padding on the stanchions shall extend to within three inches of ceiling and floor; on guard rail it shall extend from wall to stanchion. (49 CFR 568)

Exception: All buses manufactured prior to September 1, 1974, require Type A or B. Buses manufactured from September 1, 1974, to March 31, 1977, require Type A.

Exception: Buses manufactured on and after April 1, 1977, are not required to have guard barriers.

Exception: See 92 Ill. Adm. Code 445.APPENDIX B (Inspection Procedures for Type II Special Education School Buses) for other possible exceptions.

REJECT VEHICLE IF:

Barrier is not solidly attached. Padding or covering shows wear and tear. Barrier does not meet requirements.

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Section 443.APPENDIX B Battery or Batteries Through Bumper, Front**a) BATTERY OR BATTERIES**PROCEDURES/SPECIFICATIONS:

Battery may be mounted either in engine compartment or on outside of passenger/driver area. Battery shall be a nominal 12-volt type. It shall be of sufficient capacity to supply all electrical requirements but shall be rated not less than either 70-ampere hours at the 20-hour discharge rate or 105-minutes at the 25-ampere discharge rate.

REJECT VEHICLE IF:

Battery or batteries are not securely mounted; excessively corroded; of insufficient capacity.

b) BATTERY CABLESPROCEDURES/SPECIFICATIONS:

Check condition.

REJECT VEHICLE IF:

Cables are corroded or are not securely attached.

c) BATTERY CARRIERPROCEDURES/SPECIFICATIONS:

When the battery is mounted outside the engine compartment it shall be welded or bolted in a closed, weather-tight, and vented compartment that is located and arranged so as to provide for convenient routine servicing. The battery compartment door, or cover, shall be secured by a manually operated latch or other fastener. A latch or fastener must be designed in such a fashion as to keep the door closed when in the latched position. Each electrical cable connecting the battery in this carrier to the body or chassis shall be one piece between the terminal connector and the first body or chassis terminal connector.

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REJECT VEHICLE IF:

Battery carrier does not meet requirements.

d) BRAKES

PROCEDURES/SPECIFICATIONS:

Every motor vehicle shall be equipped with two separate means of applying the brakes and they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes. (Section 12-301(a) of the Illinois Vehicle Equipment Law)

REJECT VEHICLE IF:

Brakes do not meet requirements.

1) Backing
PlatePROCEDURES/SPECIFICATIONS:

Check condition.

REJECT VEHICLE IF:

Backing plate is in poor condition.

2) Drums/
DiscsPROCEDURES/SPECIFICATIONS:

Inspect drums and/or discs for cracks or for being worn or reworked beyond the marked discard limit.

REJECT VEHICLE IF:

Worn or reworked beyond the following limits:

- 1) Drum diameter .040 inch (1mm) under marked discard limit on Type I bus.
- 2) Drum diameter .030 inch (.75mm) under marked discard limit on Type II bus.
- 3) Disc thickness .030 inch (.75mm) over marked discard limit on any bus.
- 4) Other rework (recore, reface) limit specified by chassis manufacturer.

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3) Emergency
/Parking
BrakePROCEDURES/SPECIFICATIONS:

Emergency/parking brake system must apply brakes to at least two wheels. (Section 12-301(a) of the Illinois Vehicle Equipment Law)

Micro brakes are not considered a separate means of braking and are not acceptable.

Procedures for testing:

- 1) Apply operating control fully.
- 2) Check actuating mechanism for release.

Brake Performance Test:

Using Drive-On Pad Type Tester:

- 1) Drive vehicle onto brake machine pads at 4-8 m.p.h.
- 2) Apply emergency/parking brake to bring vehicle to a halt. Do not lock wheels.
- 3) Note the braking forces registered by the brake machine.

Using Roll-On Type Tester:

- 1) Position axle with emergency brake onto roller.
- 2) Apply emergency brake but do not lock wheels.

REJECT VEHICLE IF:

Emergency/parking brake does not meet requirements.

Procedures for testing:

- 1) Not equipped with emergency/parking brakes. Operating mechanism does not hold in the applied position.

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- 2) Actuating mechanism does not fully release when release control is operated properly.

Brake Performance Test:

Drive-On Tester:

Machine does not register a total braking force of at least 20% of vehicle empty weight. Braking forces at opposite wheels on same axle vary more than 20%.

Roll-On Tester:

Machine does not register a total braking force of at least 20% of vehicle empty weight. Braking forces at opposite wheels on same axle vary more than 20%.

- 4) Emergency Brake Ratchet (Pedal or Lever)

PROCEDURES/SPECIFICATIONS:

Must be in proper adjustment. A warning light must be visible when emergency brake is activated.

REJECT VEHICLE IF:

Emergency brake ratchet or warning light do not meet requirements.

- 5) Pedal Clearance (Service Brakes)

PROCEDURES/SPECIFICATIONS:

Minimum 1 1/2 inch clearance with pedal fully depressed.

REJECT VEHICLE IF:

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Pedal clearance does not meet requirements.

- 6) Power Systems

A) Air

PROCEDURES/SPECIFICATIONS:

With air system fully charged (compressor governor "cut-out") run engine at low idle. Make one full (maximum) brake application and immediately record reservoir air pressure.

Apply and release brakes until pressure indicated on the air gauge is at least 10 psi (i.e. pounds per square inch) below governor "cut-in" pressure. Run engine at high idle and determine seconds required to raise reservoir pressure from recorded pressure.

REJECT VEHICLE IF:

Time required to raise air pressure from recorded to cut-out is more than 30 seconds. Air gauge is missing or does not operate.

B) Electric/Hydraulic

PROCEDURES/SPECIFICATIONS:

Turn engine "off." Depress service brake pedal. Electric hydraulic pump must come "on" (listen).

REJECT VEHICLE IF:

Electric pump does not operate properly or is absent.

C) Hydraulic

PROCEDURES/SPECIFICATIONS:

Inspect booster belt(s), supports, tubes, hoses, connections and general condition. Clean reservoir and cover as necessary and check master cylinder fluid level. Do not contaminate fluid.

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Turn engine "on." Warning signal must come on (look/listen). Depress brake pedal lightly. Start engine. Pedal must move down slightly (feel). Warning signal must go "off" (look/listen).

REJECT VEHICLE IF:

Belt is slack or worn; tube or hose is damaged; any part leaks or is cracked; master cylinder fluid is below maximum level. Either booster or warning signal does not operate properly.

D) Vacuum/
HydraulicPROCEDURES/SPECIFICATIONS:

Inspect tank(s), chambers, hoses, tubes, connectors, clamps, and booster air cleaner.

Inspect supports and attachments.

With engine off, repeatedly apply service brakes until vacuum is depleted, with medium pressure on brake pedal, start engine; release brake and operate engine until maximum vacuum is established; stop engine; apply service brakes hard.

With brakes still applied, start engine; after one minute of running engine, check "Low Vacuum" indicator.

REJECT VEHICLE IF:

Any component is restricted, collapsed, scraped, cracked, loose, or broken. Booster air cleaner is clogged.

Any support or attachment is broken. Any connecting line or other component is not attached or supported so as to prevent damage from scraping or rubbing.

Foot pedal does not fall away from foot when engine is started; insufficient vacuum reserve to permit one full service brake

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application after engine is off without actuating "low vacuum" indicator; valve or diaphragm leaking.

7) Service
BrakesPROCEDURES/SPECIFICATIONS:

Must be equipped with service brakes on all wheels. (Section 12-301(a)(5) of the Illinois Vehicle Equipment Law)

Must be equipped with a "split system" on service brakes. (49 CFR 571.105)

Power-assisted service brakes are required. (49 CFR 571.105)

REJECT VEHICLE IF:

Service brakes do not meet requirements.

A) Brake
Inspection
ReportPROCEDURES/SPECIFICATIONS:

Verify Brake Inspection Report for following (refer to Section 443.Illustration C for example of form):

1. Vehicle Identification Number (VIN), make and year must correspond to the bus presented for inspection.
2. Brake Inspection Report must indicate the date and mileage at the time the brake inspection was performed. If date is more than one year prior to time of inspection or mileage has exceeded 10,000 miles, a brake inspection must be performed.
3. The form must be completed with all required information. No blank lines are acceptable.

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Exception: If the bus has operated less than 10,000 miles and less than 12 months have passed since the bus was manufactured, an brake inspection report is not required. Write "Less than 10,000 miles and less than one year old" in the remarks section on the Vehicle Inspection Report.

REJECT VEHICLE IF:

Absent, invalid, or incomplete brake inspection report.

B) Brake
Performance
Test

PROCEDURES/SPECIFICATIONS:Using Drive-On Pad Type Brake Tester:

Check vehicle's stopping ability before testing.

Drive vehicle onto brake machine pads at 4-8 m.p.h.

Apply service brakes to bring vehicle to a halt. Do not lock wheels.

Note the braking forces registered by the brake machine.

Using Roll-On Type Tester:

When using roller-type tester each axle must be tested separately. Transmission must be in neutral when testing brakes on any drive axle.

Drive front axle onto rollers. Start roller motor. Apply service brakes but do not lock wheels.

Repeat the above steps for each axle.

The total braking force on a vehicle must be determined by adding the results of the test on each axle.

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REJECT VEHICLE IF:Drive-On Tester:

Machine does not register a total braking force of at least 60% of the vehicle empty weight.

Braking forces at opposite wheels on same axle vary more than 20%.

Roll-On Tester:

Machine does not register a total braking force of at least 60% of the vehicle empty weight.

Braking forces at opposite wheels on same axle vary more than 20%.

e) BUMPER,
FRONT

PROCEDURES/SPECIFICATIONS:

Manufacturer's standard for vehicle or an equivalent bumper which meets or exceeds manufacturer's standards. Black color is not required.

REJECT VEHICLE IF:

Bumper must be solidly attached, and free from damage or sharp edges.

Bumper may be equipped with a crossing control arm. Crossing control arms can only display yellow reflectors or yellow lamps.

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Section 443.APPENDIX C Bumper, Rear Through Drive Shaft Guard

a) BUMPER, REAR

PROCEDURES/SPECIFICATIONS:

Manufacturer's standard for vehicle and so attached or shielded between body and bumper as to prevent hitching rides or tows.
Black color is not required.

Exception: A bus manufactured in October 1978 or earlier is exempt from having a non-hitchable bumper.

REJECT VEHICLE IF:

Rear bumper does not meet requirements.
Bumper is not solidly attached. Sharp edges are present. Rear bumper is hitchable.

b) CERTIFICATE AND REGISTRATION CARD HOLDER

Not required for Type II.

c) CERTIFICATION LABEL (FEDERAL)

PROCEDURES/SPECIFICATIONS:

Inspect federal certification label if the chassis (incomplete vehicle) was manufactured after November 10, 1978. The manufacturer's label must contain the following information:

- 1) Name of vehicle (bus) manufacturer and the month and year in which manufacture of the vehicle was completed;
- 2) Name of incomplete vehicle (chassis) manufacturer and the month and year in which he performed his last manufacturing operation on the incomplete vehicle;
- 3) Gross vehicle weight rating, or ratings (GVWR);
- 4) Gross axle weight ratings (GAWR);
- 5) The statement, "This vehicle conforms to

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all applicable federal motor vehicle safety standards in effect in (month/year)";

- 6) The vehicle identification number (VIN);
- 7) The vehicle's classification (usually "bus"). (49 CFR 567.5)

Alterer's certification: A certified vehicle might have been altered before its purchase for use as a school bus. The alterations may have included, but are not limited to, classification changes, gross weight rating changes, or changes to the application/effective date of a federal motor vehicle safety standard. If any such alteration occurred, the bus must carry an additional federal label that identifies the alterer, shows when alteration was completed, "as altered" GVWR, GAWR and classification (if changed). It must also state that the altered vehicle conforms to all applicable federal motor vehicle safety standards in effect in (month/year). (49 CFR 567.7)

REJECT VEHICLE IF:

A required label is absent, defaced, destroyed, not riveted, or not permanently affixed. "Permanently affixed" means the label cannot be removed without destroying or defacing it.

A certification label does not contain the required statement and all other information required for that label.

PROCEDURES/SPECIFICATIONS:

Defrosting equipment shall keep the windshield and the window to the left of the operator and the glass in the service door clear of fog, frost and snow, using heat from heaters and circulation from fans. Must conform to federal standard 49 CFR 571.103.

d) DEFROSTERS

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Section 443.APPENDIX D Electrical System Through Fenders

a) ELECTRICAL
SYSTEM

REJECT VEHICLE IF:

Defrosting system does not function properly.
Auxiliary fans are not securely mounted
or blades are not protected.

e) DRIVE SHAFT
GUARD

PROCEDURES/SPECIFICATIONS:

Shall be of sufficient strength to protect
each segment of the drive shaft and prevent
it from going through the floor or dropping
to the ground if broken.

REJECT VEHICLE IF:

Drive shaft guard is missing, not firmly
attached, or does not properly protect each
segment of the drive shaft.

1) Circuits

PROCEDURES/SPECIFICATIONS:

Circuits arranged to manufacturer's
specifications are acceptable. An additional
circuit shall be added for the alternate
flashing signal lamps and the stop signal
lamps. Circuits may be added as necessary.

REJECT VEHICLE IF:

Breaks in insulation are present. Not on
proper circuit or properly wired.

2) Fuses

PROCEDURES/SPECIFICATIONS:

Two extra fuses for each size fuse used on the
bus shall be conveniently mounted on the
bus body.

REJECT VEHICLE IF:

Fuses are not present or are not conveniently
mounted.

3) Switches

PROCEDURES/SPECIFICATIONS:

Check operation and condition.

REJECT VEHICLE IF:

Switches not operating properly or are missing.

4) Wiring

PROCEDURES/SPECIFICATIONS:

All wires shall be properly insulated and
securely attached at not more than 18.1
inches (460 mm) intervals. Check condition.

REJECT VEHICLE IF:

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Insulation is frayed or missing. Wiring not securely attached.

b) EMERGENCY
EXITS

PROCEDURES/SPECIFICATIONS:

All buses must be equipped with either a rear emergency door or a left side emergency door and a rear emergency window. (49 CFR 571.217)

Additional emergency exits, including roof hatches, may be required on buses manufactured on or after May 2, 1994. (57 FR 49413, November 2, 1992)

For those buses manufactured on or after May 2, 1994, each opening for a required emergency exit must be outlined around its outside perimeter with a minimum 1 inch (2.54 cm) wide yellow retroreflective tape. This yellow retroreflective tape must be on the exterior surface of the bus. (57 FR 49413, November 2, 1992; as amended at 59 FR 22997, May 4, 1994)

Optional emergency roof hatches are allowed. They must be installed according to manufacturer's recommendations and no alarm is required. Open and close roof hatches (required or optional) to verify their operation.

REJECT VEHICLE IF:

Emergency exits do not meet requirements.
Roof hatches do not open.

1) Side

PROCEDURES/SPECIFICATIONS:

Shall be hinged on front side and open outward. Shall be equipped with safety glass (or equivalent) located in upper portion of the door. Door shall be of at least the same gauge metal as the body. Shall be 24

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inches or more clear horizontal opening, with forward edge of opening in line with the rearmost edge of a seat back. Shall have 45 inches or more clear vertical opening. Inside release mechanism must be protected against accidental release; easily accessible; readily operated manually without the use of remote control, power device or tool. (See Alarms and Locks in this subsection for requirements.)

REJECT VEHICLE IF:

Inside release mechanism is not protected.
Inside and outside release mechanisms are not accessible, or operable; unable to open easily; hinge is located at incorrect location; location and size of opening is incorrect.

PROCEDURES/SPECIFICATIONS:

Shall open outward with a 120 degree minimum swing. Upper portion of each door shall contain fixed safety glazing. Shall be equipped with a fastening device which can be quickly released from inside and outside the body. The outside fastening device must be non-hitchable. (See Alarms and Locks in this subsection for requirements.)

Inside release mechanism must be protected against accidental operation and must be easily accessible from the inside. Must be operated only by moving handle as shown by arrow and without use of remote control, power device, key, tool, or any attached or unattached object other than the release handle. (49 CFR 571.217)

Exception: On a bus manufactured in August 1974 or earlier, the emergency exit shall be in the center of the rear end, exempt from 120 degree swing and may open either vertically or horizontally.

REJECT VEHICLE IF:

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Inside release mechanism is not protected. Inside and outside release mechanisms are not accessible or do not operate properly. Outside release mechanism is hitchable. Door does not open easily. Location of hinge is incorrect. Size of opening is incorrect. Glazing does not meet requirements. General condition of door (rubber and seal) is poor.

3) Emergency Window

PROCEDURES/SPECIFICATIONS:

When the emergency door is located on the left side, a rear emergency window shall be provided. Minimum 16 inches high and 48 inches wide. Designed to be opened from the inside or the outside. Hinged on top, designed and operated to insure against accidental closing in an emergency. Inside handle shall provide for quick release. Outside handle shall be nondetachable and nonhitchable. (See Alarms and Locks in this subsection for requirements.)

REJECT VEHICLE IF:

Operating mechanisms do not function. Glass is cracked or broken.

4) Alarms and Locks

PROCEDURES/SPECIFICATIONS:

Audible and visible alarms shall alert driver when the engine is running and any required emergency exit or optional emergency exit door either:

- 1) Is not fully latched, or
- 2) Is locked and not readily operated manually.

Optional emergency exit windows must be equipped with an audible alarm which is activated when the above criteria is met. The engine starting system shall not operate while any emergency exit (optional or required) is locked from either inside or outside the bus. "Locked" means that the

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release mechanism cannot be activated and the exit opened by a person at the exit without a special device such as a key or special information such as a combination.

An alarm cut-off or "squelch" control is prohibited.

On a van conversion, any rear cargo door inside lock(s) of the type installed by the chassis manufacturer (such as commonly used in cars - "push/pull" type) shall be made inoperable. The mechanism cannot, through jarring, vibration, etc. cause the door to become locked and be inoperable from the inside or outside.

Exception: On a bus with chassis (incomplete vehicle) manufactured in March 1977 or earlier, the engine starting system may operate while the emergency door is locked. The "Not Stop Engine" requirement applies to every bus.

Exception: On a bus manufactured in August 1974 or earlier, the "Not Fully Latched" alarm is optional. The "Door Locked" alarm is required on each bus with a lockable emergency door.

REJECT VEHICLE IF:

Alarms do not alert driver as required. Locks do not meet requirements.

c) ENTRANCE DOOR

- 1) Physical Requirements

PROCEDURES/SPECIFICATIONS:

Door shall be located to right of operator and operated by an over-center control. Upper portions of door shall be safety glass or equivalent. Vertical closing edges shall be equipped with flexible material for a proper seal and to prevent injury.

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Each door on the right side of the vehicle, hinged or sliding, except the service door shall be made permanently inoperable by means other than the rub rail on the outside of the body.

REJECT VEHICLE IF:

Binding or jamming is evident, malfunctions, over-ride device on power operated door does not function, control not accessible by driver. Door is missing, loose, or damaged. Rubber seal is missing or torn.

2) Locks and Alarms

PROCEDURES/SPECIFICATIONS:

A service door lock is not required but if any type of service door locking system is installed on the bus, the system shall conform to one of the following:

- 1) The locking system shall not be capable of preventing the driver from easily and quickly opening the service door from inside the vehicle.
- 2) A locking system that is capable of preventing the bus driver from easily and quickly opening the service door shall include an audiovisual alarm. The alarm shall be audible and visible and must alert the driver when the engine is running and the service door is locked. An alarm disconnect, "squelch control," or other alarm defeating or weakening device shall not be installed.

REJECT VEHICLE IF:

Locks and alarms do not meet requirements. Bent, worn, or dislocated parts that would delay quick door release and opening are present.

d) EXHAUST SYSTEM

PROCEDURES/SPECIFICATIONS:

"Exhaust System" includes each component used

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to conduct gas from an engine exhaust port (manifold) to authorized exit point, including each sealing, connecting, and supporting component. Exhaust system shall be outside body and attached to chassis. Size of tailpipe shall not be reduced after it leaves muffler. Any flexible component that contains exhaust gas shall be of stainless steel. System shall not leak. System shall have an outlet at its discharge end(s) only.

1) Shielding

PROCEDURES/SPECIFICATIONS:

Any flammable material, electrical insulation, brake hose, or fuel system component containing fuel that is located within 11 13/16 inches (300 mm) of a component containing exhaust gas shall be safeguarded by a heat shield.

Exhaust system shall be shielded from either accidental contact, "hitching to," or "standing on," except at discharge end. A chassis or body component may provide required shield.

REJECT VEHICLE IF:

Shielding is not present (if applicable).

Exception: Fuel system components on diesel powered engines that are located within four inches of a component containing exhaust gas shall be shielded.

2) Discharge

PROCEDURES/SPECIFICATIONS:

The exhaust system's discharge end (tailpipe) shall be within .98 inch (25 mm) of bus side, rear, or rear corner. It must not extend past a side rub rail or more than one inch past the bumper. Gas shall not be directed towards a door or other opening into bus body. In addition, the discharge end, or ends, shall not be located in any prohibited zone shown in Section 443.Illustration B.

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REJECT VEHICLE IF:

All parts of system are not securely fastened and supported.

Any part is leaking, missing, or patched.

Any part contains holes not made by manufacturer.

e) FENDERS

PROCEDURES/SPECIFICATIONS:

Shall be properly braced and free from any body attachment.

There shall be approximately one inch located between front fenders and back face to cowl.

REJECT VEHICLE IF:

Fenders are not solid or in bad condition.

Sharp edges are evident.

Fenders are loose or protrude out.

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Section 443.APPENDIX E Filter, Oil Through Frame and Body

a) FILTER, OIL

PROCEDURES/SPECIFICATIONS:

Replaceable element or cartridge type.
Minimum one-quart capacity.

REJECT VEHICLE IF:

Oil filter leaks or does not meet requirements.

b) FIRE
EXTINGUISHERPROCEDURES/SPECIFICATIONS:

Pressurized dry-chemical gauge type approved by Underwriters' Laboratories, Inc., rating of not less than 10 B.C. mounted in bracket and readily accessible. Sealed with a type of seal that will not interfere with operation. If stored in locked compartment, compartment must be labelled. Halon fire extinguishers (10 B.C.) are approved.

REJECT VEHICLE IF:

Gauge does not indicate in the calibrated or marked "Full Charge" area. Seal is broken. Extinguisher is not mounted, not in a quick release holder or not labelled in compartment, if applicable. Improper rating. Missing.

c) FIRST AID KIT

PROCEDURES/SPECIFICATIONS:

Kit shall be readily identifiable, removable, and mounted in readily accessible place in driver's compartment -- either in full view or in specified secured compartment (see LOCKED COMPARTMENT). If not carried in compartment, the case shall be dust tight and substantially constructed of durable material. The contents shall include, but not be limited to the following:

Unit Type (Minimum Contents)

4" bandage compress - 1 package

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- 2" bandage compress - 1 package
- 1" bandage or adhesive compress - 1 package
- 40" triangle bandage with two safety pins - 1
- Splint, wire or wood - 1

A tourniquet or any type of ointment, antiseptic, or other medicine shall not be included.

AGENCY NOTE: OSHA approved blood-borne pathogen kits are permitted.

REJECT VEHICLE IF:

Kit is not complete. Dust or other visible dirt is present inside case. Minimum number of individual packages are not sealed. Medicine or tourniquet is present. Locked compartment containing kit is not labelled. Not mounted in readily accessible location. Missing.

d) FLOORS AND
FLOOR COVERING

PROCEDURE/SPECIFICATIONS:

A plywood of 5/8 inch exterior BB grade or equivalent material shall be applied over the existing steel floor and securely fastened. Covering in underseat area shall be of fire resistant floor covering of type commonly used in passenger transportation equipment and shall have a minimum thickness of .125 inch. The floor covering in the aisle shall be nonskid, wear resistant, fire resistant and rib type. The aisle floor covering shall have a minimum thickness of .140 inch.

All floor coverings and metal floor stripping must be permanently bonded to the floor and must not crack when subjected to sudden changes in temperature. Bonding or adhesive material shall be waterproof. All seams must be sealed with waterproof sealer. All openings in floorboard or fire wall between chassis and passenger carrying compartment

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must be solid and sealed.

Boots and seals around shift levers and emergency brakes must be secure and solidly attached.

REJECT VEHICLE IF:

Abnormal wear and obstructions are present. Holes or openings are present in floors, floor covering, or boots. Metal floor stripping is not securely attached or broken.

e) FRAME AND
BODY

PROCEDURES, SPECIFICATIONS:

Visually inspect:

- 1) Body mounts shall be attached and sealed to the chassis cowl so as to prevent the entry of water, dust or fumes through the joint between the chassis cowl and the body.
- 2) Cross members and mounting bolts.
- 3) Engine mounting bolts.
- 4) Frame shall extend to rear of body cross member.
- 5) Frame extension is permitted when alterations are behind rear hanger or rear springs and not for the purpose of extending wheel base.
- 6) Collision damage which is detrimental to the safe operation of the vehicle.

REJECT VEHICLE IF:

- 1) Cracked, loose, missing bolts. Any repair done by welding body to frame, insulation strip missing.
- 2) Loose, cracked, broken or missing.
- 3) Missing, loose.

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- 4) Cracked, broken, bent, rusted to a depth as to substantially weaken frame - welding except by body manufacturer.
- 5) Unless permitted, frame extends past wheel base.
- 6) Collision damage which is detrimental to the safe operation of the vehicle.

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Section 443.APPENDIX F Fuel Storage and Delivery System Through Horn**a) FUEL STORAGE
AND DELIVERY
SYSTEM**PROCEDURES/SPECIFICATIONS:

Entire fuel system, except extensions for driver control of air or fuel, must be outside passenger and driver compartment.

REJECT VEHICLE IF:

Any part of fuel system, except extensions for driver control of air or fuel, is within passenger/driver compartment.

**1) Fuel Filler
Cap**PROCEDURES/SPECIFICATIONS:

Meets manufacturer's specifications. Must be the same as or equivalent to original equipment.

REJECT VEHICLE IF:

Fuel filler cap is defective or missing.

2) Fuel LinesPROCEDURES/SPECIFICATIONS:

Firmly attached. No leakage, seepage, abrasion, or chafing. Must be 11 13/16 inches (300 mm) from any part of exhaust system that contains exhaust gas or be safeguarded by a heat shield. Inside engine compartment, the chassis manufacturer's standard shall govern separation and shielding between parts designed by chassis manufacturer.

Exception: Fuel system components on diesel powered engines that are located within four inches of a component containing exhaust gas shall be shielded.

REJECT VEHICLE IF:

Fuel lines are cracked, leak, insecure mounting, damaged, clamps missing, mount

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clips missing or not separated or not shielded properly (if applicable).

3) Fuel Filler
Tube

PROCEDURES/SPECIFICATIONS:

Check condition.

REJECT VEHICLE IF:

Fuel filler tube leaks or is not secure.

4) Fuel Pump

PROCEDURES/SPECIFICATIONS:

Check condition.

REJECT VEHICLE IF:

Fuel pump leaks, is damaged or is not secure.

5) Fuel Tank(s)

PROCEDURES/SPECIFICATIONS:

Minimum capacity of 24 gallons, mounted, filled, and vented entirely outside body. Must meet manufacturer's specifications. (49 CFR 571.301)

REJECT VEHICLE IF:

Fuel tank(s) have leakage, seepage, or abrasion; hole or crack that would leak or seep when tank is full.

6) Fuel tank
mount(s)

PROCEDURES/SPECIFICATIONS:

Check condition.

REJECT VEHICLE IF:

Fuel tank mount(s) are cracked, loose, or bolts are missing.

7) Fuel tank
straps

PROCEDURES/SPECIFICATIONS:

Check condition.

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REJECT VEHICLE IF:

Fuel tank straps are cracked, loose, or missing.

8) Alternate
Fuel Systems
(LPG or CNG)

An alternate fuel system which is no longer in use must be completely from the bus.

A) Carburetion
Equipment

A fuel filter is required on alternate fuel systems.

B) Container
Installation

i) Compressed or liquefied gas containers shall not be mounted in the passenger or driver's compartment.

ii) Container valves, appurtenances and connections shall be mounted in an enclosed compartment.

iii) Containers shall be located at least 36 inches from the entrance door and any emergency exit. Due to the smaller size of Type II school buses, space limitations may sometimes make it impossible to locate a fuel tank further than 36 inches from an exit. A Type II school bus has a gross vehicle weight rating of 10,000 pounds or less as defined in Section 12-800 of the Illinois Vehicle Equipment Law [625 ILCS 5/12-800]. If the original fuel tank for a Type II bus was located within 36 inches from any exit, the alternate fuel container may be located in the same location as the original tank.

C) Identification

The fuel identification decal (see Section 443.111, Illustration E) shall be delayed on the rear of the school bus not more than 12 inches above the top of the rear bumper and within 39

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inches of the left side. The decal shall not be placed on any black portion of the bus body.

D) Pipe and Hose Installation

- i) No fuel supply line shall pass through the driver or passenger's compartment.
- ii) The pressure relief device shall be fabricated so that in the event of stress, the pipe or adaptor will break away without impairing the function of the relief valve.
- iii) If installed, the adaptor connecting the piping system to the pressure relief device shall neither touch nor restrict any movable part of the pressure relief valve.
- iv) The relief valve discharge piping system (piping system) must not be reduced at any point from the relief valve to the point of release into the atmosphere.
- v) The piping system shall be routed to minimize sharp elbows or bends. Installation of any commercially available piping installed to meet the manufacturer's specifications is acceptable. Any fittings that restrict the flow of discharge are prohibited. From the pressure relief device adaptor to the atmosphere, the minimum inside diameter of the piping must measure at least 3/4 of an inch.
- vi) The piping system shall neither block nor hamper the operation of any window or door. The piping system shall preserve widths of passageways, aisles and emergency exits.
- vii) Every portion of the piping system shall be gas tight (except the outlet) and shall be able to withstand forces from the discharge when the relief valve is in full

open position. If for any reason the discharge outlet becomes blocked, the piping system must be capable of holding the full system pressure.

- viii) To facilitate the removal of accumulated waste, a drain cock shall be installed at the lowest point of the piping system. The drain must be capable of being held open manually and close automatically to prevent expelling LPG if discharged through the relief valve. A weep hole, or other opening that may result in discharged LPG flaming beneath the bus is prohibited.
- ix) The portion of the piping system that leads upward to the atmosphere shall be installed either inside the passenger compartment, on the outside of the bus, or in the body wall between the inner and outer "skins" of the bus body.
- x) Piping on the outside of the body shall be shielded below the window line to prevent "grabbing hold" or "hitching to." However, discharge piping that is located between the windshield and the vent window at the left front corner of the body need not be shielded.
- xi) Any portion of the piping system that is installed either inside the passenger compartment or inside the body wall shall consist of one piece originating below the bus floor and exiting outside the bus roof. Every hole where piping passes through the floor or roof shall be sealed.
- xii) The piping system must terminate above the eave lines of the bus body.
- xiii) The outlet of the piping system shall be located at least 36 inches from the air inlet or outlet of a ventilator or similar device installed on or near the

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roof. A "similar device" includes the fresh air intake of a heating, ventilating or air conditioning system. It does not include a side window that opens near the roof.

- xiv) A rain cap is required where the piping system exits into the atmosphere to minimize water or dirt from entering into either the relief valve or its discharge piping. Installation of any commercially available rain cap installed to meet the manufacturer's specifications is acceptable. The cap shall remain in place except when the relief valve operates. The cap shall be installed to minimize the entrance or water or dirt while the vehicle is in motion.

- xv) The discharge piping system on a special education school bus shall conform to all provisions of this Part.

REJECT VEHICLE IF:

Propane relief valve/piping system is not properly installed. Alternate fuel system does not meet requirements listed above.

b) GRAB HANDLES

- 1) Exterior
- 2) Interior

Not required.

PROCEDURES/SPECIFICATIONS:

Shall be of stainless clad steel, installed inside doorway, solidly attached on left side, and as long as practicable.

REJECT VEHICLE IF:

Missing or not solidly attached.

PROCEDURES/SPECIFICATIONS:

Must be capable of maintaining inside temperature of 50 degrees. The heater hoses

c) HEATERS

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shall be supported to guard against excessive wear due to vibration and shall not interfere with or restrict the operation of any engine function. Any hose in the passenger compartment shall be protected to prevent injury from burns in the event of rupture. Primary heater shall be a high output fresh air type. Heater must be padded if not protected by seat.

The secondary heater may be a recirculating type and located so as not to interfere with aisle space.

REJECT VEHICLE IF:

Heater is missing; in poor working condition; defective hoses, supports or baffles; not firmly attached or padded when required.

PROCEDURES/SPECIFICATIONS:

Open hood and inspect safety catch and hinges for proper operation. Close hood and inspect for proper full closure. Manually inspect latches or remote control for proper operation.

REJECT VEHICLE IF:

Hood does not open or hood latches do not securely hold hood in its proper fully-closed position. Secondary or safety catch does not function properly. Hinge is broken, missing, or not attached to body.

PROCEDURES/SPECIFICATIONS:

Dual electric horns shall be provided giving an audible warning at a distance of 200 feet and shall be conveniently controlled from the operator's seated position. (Section 12-601 of the Illinois Vehicle Equipment Law)

REJECT VEHICLE IF:

e) HORN

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Horn control is missing, defective or not audible.

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Section 443.APPENDIX G Instruments and Instrument Panel Through Locked
Compartment

a) INSTRUMENTS
AND INSTRUMENT
PANEL

PROCEDURES/SPECIFICATIONS:

Shall be equipped with the following nonglare illuminated instruments and gauges mounted for easy maintenance and repair and in such a manner that each is clearly visible to the seated driver. An indicator light instead of a pressure or temperature gauge is permissible. (49 CFR 571.101)

- 1) Speedometer;
- 2) Odometer;
- 3) Fuel Gauge;
- 4) Oil Pressure Gauge;
- 5) Water Temperature Gauge;
- 6) Ammeter with graduated charge and discharge indications;
- 7) High beam headlight indicator;
- 8) Directional signal indicator;
- 9) Air pressure or vacuum gauge (when air or vacuum brakes are used);
- 10) Eight light flasher indicator;
- 11) Emergency/Service Brake Indicator.

REJECT VEHICLE IF:

Instrument and/or instrument panel does not operate properly; instruments are missing; inaccurate readings.

b) INSULATION

PROCEDURES/SPECIFICATIONS:

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The ceiling and sidewalls shall be thermally insulated with a fire-resistant material which shall reduce the noise level and vibrations.

REJECT VEHICLE IF:

Insulation does not meet requirements.

c) LETTERING

1) Exterior

PROCEDURES/SPECIFICATIONS:

The body and chassis manufacturer's name, emblem, or other identification may be displayed (colorless or any color) on any unglazed surface of the bus.

AGENCY NOTE: School buses with interstate authority may display the company's name, city and state of its base and the interstate "MC" number. This lettering must be black in color.

REJECT VEHICLE IF:

Exterior lettering does not meet requirements. Lettering or decals are not distinct, required or allowed. Lettering is obstructed.

A) Front

PROCEDURES/SPECIFICATIONS:

"SCHOOL BUS" in black at least eight inches (200 mm) high placed as high as possible on body or sign attached thereto. Vehicle number assigned for identification shall be a minimum of four inches (100 mm) high and located as high as practicable. Decals are permissible. All lettering must be black. (Section 12-802 of the Illinois Vehicle Equipment Law)

Exception: All buses purchased prior to September 1974, may have roof mounted "SCHOOL BUS" sign with flashing red lights.

REJECT VEHICLE IF:

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Lettering does not meet requirements. Lettering is not distinct, required or allowed. Lettering is obstructed.

B) Left

PROCEDURES/SPECIFICATIONS:

Either the owner's name or the school district number or both must be at least four inches high, approximately centered and as high as practicable below window line. (Section 12-802 of the Illinois Vehicle Equipment Law). The above required lettering must be located on one line.

If bus is equipped with a side emergency door, it must be labelled "EMERGENCY EXIT" in letters at least two inches high at the top of the emergency door, or directly above, or on the door glazing.

Optional: Vehicle number assigned for identification may be displayed at a minimum height of four inches (100 mm).

Decals are permissible. All lettering must be black.

For buses manufactured on or after May 2, 1994, "EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any emergency exit door. For any emergency window exit, "EMERGENCY EXIT" must be located at the top of, or directly above, or at the bottom of the emergency window exit in letters at least 1.95 inches (5 cm) high. The labelling must be of a color that contrasts with its background. (57 FR 49413, November 2, 1992)

REJECT VEHICLE IF:

Lettering does not meet requirements. Lettering is not distinct, required, or allowed. Lettering is obstructed.

C) Rear

PROCEDURES/SPECIFICATIONS:

"SCHOOL BUS" in black lettering at least eight

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inches (200 mm) high placed as high as possible on body or sign attached thereto. (Section 12-802 of the Illinois Vehicle Equipment Law) "EMERGENCY DOOR" or "EMERGENCY EXIT" in lettering at least two inches high at top of emergency door, or directly above, or on door glazing.

"EMERGENCY EXIT" (for buses without rear emergency door) in letters at least two inches high directly below rear emergency window, or on exit glazing. An arrow, at least 5.9 inches in length and 3/4 inch in width indicating direction each release mechanism should be turned to open door or window located within 5.9 inches of release handle, in black. Vehicle number assigned for identification shall be a minimum 4 inches (100 mm) high. Decals are permissible. All lettering must be black.

If bus uses alternate fuel (e.g., propane, CNG), vehicle must be marked with identifying decal. Such decal shall be diamond shaped with white or silver scotchlite letters one inch in height and a stroke of the brush at least 1/4 inch wide on a black background with a white or silver scotchlite border bearing either the words or letters:

"PROPANE" = If propelled by liquefied petroleum gas other than liquefied natural gas; or

"CNG" = If propelled by compressed natural gas. The sign or decal shall be maintained in good legible condition.

The alternate fuel decal shall be displayed near the rear bumper and visible from the rear of vehicle. (See Section 443. Appendix 6(a)(8)) (Section 12-704.3 of the Illinois Vehicle Equipment Law)

Exception: In case of "push" or "pull" type of release mechanism where the direction of movement to open emergency exit cannot be

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shown by one arrow, either three or four straight arrows shall be placed equally spaced as practicable around the object to be pushed or pulled, with the head of each arrow adjacent to and pointing directly at that object. Each arrow shall be the same color and, when practicable, the same size as though it were a single arrow. In addition, the pertinent word "PUSH" or "PULL" shall be displayed near that object.

If adequate space is not available in required positions for emergency door lettering, lettering may be immediately below window level.

For buses manufactured on or after May 2, 1994, "EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any emergency exit door. For any emergency window exit, "EMERGENCY EXIT" must be located at the top of, or directly above, or at the bottom of the emergency window exit in letters at least 1.95 inches (5 cm) high. The labelling must be of a color that contrasts with its background. (57 FR 49413, November 2, 1992)

REJECT VEHICLE IF:

Lettering does not meet requirements.

Lettering or arrows are not distinct, required, or allowed. Lettering is obstructed.

Buses using alternate fuels are not properly marked with decal. Decal is in wrong location.

PROCEDURES/SPECIFICATIONS:

Either the owner's name or the school district number or both must be at least four inches high, approximately centered and as high as practicable below the window line. (Section 12-802 of the Illinois Vehicle Equipment Law) The above required lettering must be located on one line.

D) Right

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The following lettering must be at least two inches high:

- 1) *The word "CAPACITY," or the abbreviation "CAP.," and the rated passenger capacity followed by the word "PASSENGERS," or the abbreviation "PASS.," shall be displayed on the outside of the body near the rear edge of the service entrance.*

- 2) *Empty weight in pounds shall be shown on bus. (Section 12-802 of the Illinois Vehicle Equipment Law)*

Manufacturer's identification name, emblem, or number(s) may be displayed but not on service door glazing. Manufacturer's name, emblem, etc. must not interfere with required lettering. Decals are permissible. All lettering must be black.

Optional route identification markers (numbers or symbols) are allowed. They must be located in either the first window or on the bus body directly behind the service entrance door. Route markers affixed to the bus body must meet paint requirements and must not obstruct any required lettering.

For buses manufactured on or after May 2, 1994, "EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any emergency exit door. For any emergency window exit "EMERGENCY EXIT" must be located at the top of, or directly above, or at the bottom of the emergency window exit in letters at least 1.95 inches (5 cm) high. The labelling must be of a color that contrasts with its background. (57 FR 49413, November 2, 1992)

REJECT VEHICLE IF:

Lettering does not meet requirements. Lettering or decals are not distinct, required, or allowed. Lettering is obstructed.

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- 2) Interior

A) Front

PROCEDURES/SPECIFICATIONS:

Each letter or numeral must be at least two inches (50 mm) high and contrasting sharply with background. A colorless background strip (such as white, aluminum or silver) may be used. Decals are permitted.

On right side: Either "CAPACITY" or "CAP." plus numerals showing rated passenger capacity, followed by either "PASSENGER" or "PASS."

As nearly as practicable opposite the center of aisle, but to right of inside mirror, either "NO STANDEES" or "NO STANDEES PERMITTED."

A red cross formed of five equal squares with words "FIRST-AID KIT" shall be displayed on the compartment door, or cover, if the first-aid kit is to be carried in the locked compartment.

The words "FIRE EXTINGUISHER" shall be displayed on the compartment door, or cover, if the fire extinguisher is to be carried in the locked compartment.

Exception: On a bus with chassis (incomplete vehicle) manufactured in March 1977 or earlier, "NO STANDEES" need not be opposite center of aisle and the word "PASSENGERS," or "PASS.," is optional.

REJECT VEHICLE IF:

Lettering does not meet requirements. Lettering is not black, distinct, required or allowed.

PROCEDURES/SPECIFICATIONS:

A "Stop Line" in contrasting color is required between 5.9 and 6.1 inches below the top

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of the window opening. The line shall be located between each window that slides downward.

If bus is equipped with a side emergency door it is to be labelled "EMERGENCY EXIT" in letters at least two inches high directly above the door.

If bus is equipped with side emergency windows, they are to be labelled "EMERGENCY EXIT" in letters at least two inches high directly below the window.

An arrow indicating the direction in which to move release mechanism handle(s) to open emergency exit and operating instructions shall be painted or permanently affixed within six inches of each release handle.

For buses manufactured on or after May 2, 1994, "EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any emergency exit door. For any emergency window exit, "EMERGENCY EXIT" must be located at the top of, or directly above, or at the bottom of the emergency window exit in letters at least 1.95 inches (5 cm) high. The labelling must be of a color that contrasts with its background. Concise operating instructions describing the motions necessary to unlatch and open the door must be located within 5.85 inches (15 cm) of the release mechanism on the inside surface of the bus. These operating instructions shall be in letters at least .39 inches (1 cm) high and of a color that contrasts with its background. (57 FR 49413, November 2, 1992)

REJECT VEHICLE IF:

Lettering does not meet requirements. Line or line and lettering is not distinct, required, or allowed.

C) Rear

PROCEDURES/SPECIFICATIONS:

D) Right

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"EMERGENCY DOOR" in letters at least two inches high directly over emergency door exit. "Emergency door operating instructions" applied to door. Arrow or arrows required unless "push or pull" type of release mechanism is used.

In the case of a "push" or "pull" type of release mechanism where the direction of movement to open the emergency exit cannot be shown by one arrow, either three or four straight arrows shall be placed as equally spaced as practicable around the object to be pushed or pulled, with the head of each arrow adjacent to and pointing directly at that object. Each arrow shall be the same color and, when practicable, the same size as though it were a single arrow. In addition, the pertinent word "PUSH" or "PULL" shall be displayed near that object.

For buses manufactured on or after May 2, 1994, "EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any emergency exit door. For any emergency window exit, "EMERGENCY EXIT" must be located at the top of, or directly above, or at the bottom of the emergency window exit in letters at least 1.95 inches (5 cm) high. The labelling must be of a color that contrasts with its background. Concise operating instructions describing the motions necessary to unlatch and open the door must be located within 5.85 inches (15 cm) of the release mechanism on the inside surface of the bus. These operating instructions shall be in letters at least .39 inches (1 cm) high and of a color that contrasts with its background. (57 FR 49413, November 2, 1992)

REJECT VEHICLE IF:

Lettering does not meet requirements. Lettering is not distinct, required, or allowed.

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PROCEDURES/SPECIFICATIONS:

A "Stop Line" in contrasting color is required between 5.9 and 6.1 inches below the top of the window opening. The line shall be located between each window that slides downward. Decals are permitted.

"EMERGENCY EXIT" shall be on or immediately below emergency window (if installed).

Instructions for emergency operation of a power operated door shall be affixed permanently on the inside of the door in letters at least .5 inch high. Decals are permitted.

Optional route identification markers (numbers or symbols) are allowed. They must be located in either the first window or on the bus body directly behind the service entrance door. If route identification markers are installed in permanent holder or bracket, the holder or bracket must have rounded edges or be padded.

For buses manufactured on or after May 2, 1994, "EMERGENCY DOOR" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, any side emergency door. For any emergency window exit "EMERGENCY EXIT" in letters at least 1.95 inches (5 cm) high must be located at the top of, or directly above, or at the bottom of the emergency window exit. The labelling must be of a color that contrasts with its background. Concise operating instructions describing the motions necessary to unlatch and open the exit must be located within 5.85 inches (15 cm) of the release mechanism on the inside surface of the bus. These instructions shall be in letters at least .39 inches (1 cm) high and of a color that contrasts with its background. (57 FR 49413, November 2, 1992)

REJECT VEHICLE IF:

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Lettering does not meet requirements. Line or line and lettering is not distinct, required, or allowed. Lettering is obstructed.

E) Ceiling

PROCEDURES/SPECIFICATIONS:

For buses manufactured on or after May 2, 1994, any roof exit must be labelled "EMERGENCY EXIT" in letters at least 1.95 inches (5 cm) high, of a color that contrasts with its background. The labelling must be located on an inside surface of the exit, or within 11.7 inches (30 cm) of the roof exit opening. Concise operating instructions describing the motions necessary to unlatch and open the emergency exit shall be located within 5.85 inches (15 cm) of the release mechanism. These instructions shall be in letters at least .39 inches (1 cm) high and of a color that contrasts with its background. (57 FR 49413, November 2, 1992)

d) LIGHTS

1) Back Up

PROCEDURES/SPECIFICATIONS:

Two white lights shall be provided. Must meet federal standards. (49 CFR 571.108)

Exception: All buses purchased prior to September 1974 are exempt; however, for any unit equipped with back up lamps, they must be operational.

REJECT VEHICLE IF:

Back up lights do not function; illegal color; broken lens.

2) Clearance,
FrontPROCEDURES/SPECIFICATIONS:

Two clearance lights (amber) at highest and widest portions of the body. Must conform to

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federal standards. 49 CFR 571.108 May be combined with side marker lamp.

Exception: Buses less than 80 inches wide or 20 feet long are exempt. (Section 12-202(a) of the Illinois Vehicle Equipment Law)

REJECT VEHICLE IF:

Front clearance lights do not function; improper color; broken lens.

3) Clearance,
Rear

PROCEDURES/SPECIFICATIONS:

Two clearance lights (red) mounted at highest and widest parts of body. Must conform to federal standards. 49 CFR 571.108

Exception: Buses less than 80 inches wide or 20 feet long are exempt. (Section 12-202(a) of the Illinois Vehicle Equipment Law)

REJECT VEHICLE IF:

Rear clearance lights do not function; improper color; broken lens.

4) Identification,
Front

PROCEDURES/SPECIFICATIONS:

Three amber lights mounted at center front near top of body above "SCHOOL BUS" sign. Must conform to federal standards. 49 CFR 571.108

Exception: Buses less than 80 inches wide or 20 feet long are exempt. (Section 12-202(a) of the Illinois Vehicle Equipment Law)

REJECT VEHICLE IF:

Front cluster lights do not function properly; improper color; broken lens.

5) Identification,
Rear

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PROCEDURES/SPECIFICATIONS:

Three red lights mounted at center rear near top of body either above or below "SCHOOL BUS" sign. Must conform to federal standards. 49 CFR 571.108

Exception: Buses less than 80 inches wide or 20 feet long are exempt. (Section 12-202 (a) of the Illinois Vehicle Equipment Law)

REJECT VEHICLE IF:

Rear cluster lights do not function properly; improper color; broken lens.

6) Flashing
Lights

PROCEDURES/SPECIFICATIONS:

All school buses purchased after December 31, 1975, shall be equipped with an eight light flashing signal system with two red and two amber flashing signal lamps mounted above windshield spaced no less than three feet apart and at same horizontal level. The rear of the vehicle shall be equipped with two red and two amber flashing signal lamps mounted and spaced no less than three feet apart and at same horizontal level. Minimum diameter 5 1/2 inches sealed beam.

Effective December 31, 1978, all school buses shall be equipped with the eight light flashing signal system described in the above paragraph. (Section 12-805 of the Illinois Vehicle Equipment Law)

A separate circuit breaker and a master switch shall be provided for this signal system. When in its "off" position this master switch shall prevent the following:

- 1) Operation of the 8 lamp system;
- 2) Operation of any lamps mounted on the stop signal arm;

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- 3) Operation of any electrically controlled mechanism that would cause the stop signal arm to extend.

The controls for the eight lamp flashing signals, the stop signal arm and the service entrance door shall be arranged so as to provide for the following sequence of operations while the engine is running.

- 1) Place the alternately flashing signal system master switch in its "off" position. Close and secure the service entrance door. Actuate the alternately flashing signal system hand or foot control. The alternately flashing signal lamps of either yellow (amber) or red color shall not go on.
- 2) With the master switch "off" and the hand or foot control actuated, open the service door. The alternately flashing signals of either color shall not go on and the stop signal arm shall not extend.
- 3) Deactivate the hand or foot control. Place the alternately flashing signal system master switch in its "on" position. Close and secure the service door. Open the service door. The alternately flashing signal lamps of either color shall not go on and stop signal arm shall not extend.
- 4) Close and secure the service door. Actuate the alternately flashing signal system by hand or foot control. A yellow pilot lamp in the view of the driver and the yellow alternately flashing signals shall go on.
- 5) Desecure but do not open the service door. The yellow pilot and the yellow alternately flashing signals shall go off. A red pilot lamp in the view of the driver and the red alternately flashing signals shall go on. The stop signal arm shall extend.

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- 6) Fully open the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.
- 7) Close but do not secure the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.
- 8) Open the service door. The red pilot and red signals shall remain on and the stop arm remain extended.
- 9) Close and secure the service door. The red pilot and red signals shall go off and the stop arm shall retract.
- 10) Open the service door. Alternately flashing signals of either color shall not go on and the stop arm shall not extend.

REJECT VEHICLE IF:

Flashing lights do not function properly; broken lens or improper lens color.

7) Headlights

PROCEDURES/SPECIFICATIONS:

Shall have at least two headlamps with at least one mounted on each side of the front of the bus. Lamp body must be securely attached. Lenses, reflectors, bulbs, etc., must be in good condition, properly aimed and fill required intensity. Check for bulb burnout. Verify high and low beams are functioning. Shall conform to federal standards. (49 CFR 571.108)

REJECT VEHICLE IF:

Headlights do not meet requirements.

8) Interior

PROCEDURES/SPECIFICATIONS:

Adequate to illuminate aisles, step well, and emergency passageways.

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REJECT VEHICLE IF:

Interior lights do not provide adequate lighting; cracked or broken lenses; improper color.

9) License Plate

PROCEDURES/SPECIFICATIONS:

Adequate white light to illuminate license plate. (49 CFR 571.108) May be combined with one of the tail lights.

REJECT VEHICLE IF:

License plate light does not provide adequate lighting; cracked or broken lenses; improper color.

10) Parking Lights

PROCEDURES/SPECIFICATIONS:

Shall be one lamp on each side; white or amber color. (49 CFR 571.108)

All buses 80 or more inches in overall width which are equipped with side marker lamps, clearance lamps, and intermediate side marker lamps are exempt from having parking lights. However, if vehicle is equipped with parking lights, they must be operational. (Section 12-202 of the Illinois Vehicle Equipment Law)

REJECT VEHICLE IF:

Parking lights do not meet requirements; improper color; cracked or broken lenses.

11) Sidemarker, Left

PROCEDURES/SPECIFICATIONS:

Two lamps: one amber at front and one red at rear, mounted as high as practicable. Shall conform to federal standards. (49 CFR 571.108)

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Exception: A bus manufactured in August 1974 or earlier is exempt.

Buses less than 80 inches wide or 20 feet long are exempt. (Section 12-202(a) of the Illinois Vehicle Equipment Law)

REJECT VEHICLE IF:

Left marker lights do not meet requirements; do not function properly; improper color; cracked or broken lenses.

12) Sidemarker, Right

PROCEDURES/SPECIFICATIONS:

Two lamps: one amber at front and one red at rear, mounted as high as practicable. Shall conform to federal standards. (49 CFR 571.108)

Exception: A bus manufactured in August 1974 or earlier is exempt.

Buses less than 80 inches wide or 20 feet long are exempt. (Section 12-202(a) of the Illinois Vehicle Equipment Law)

REJECT VEHICLE IF:

Right marker lights do not meet requirements; improper color; cracked or broken lenses.

13) Step Well

PROCEDURES/SPECIFICATIONS:

At least the nosings of the service entrance steps and the floor around the stepwell shall be automatically illuminated with white light when the ignition is on and the service door is open.

No lamp shall be installed so as to shine directly into the eyes of a pupil moving through the service entrance and looking at the service steps.

Exception: On a bus with chassis (incomplete

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vehicle) manufactured in March 1977 or earlier, a stepwell light that does not illuminate all the step nosings or does not illuminate the floor around the service entranceway may be used.

REJECT VEHICLE IF:

Step well light does not meet requirements; improper color; cracked or broken lenses.

14) Stop

PROCEDURES/SPECIFICATIONS:

Two red lights mounted at same height and as high as practicable below window line. Seven inch minimum diameter or 19 square inches. Not less than three feet apart laterally. Must conform to federal standards. (49 CFR 571.108)

REJECT VEHICLE IF:

Stop lights do not meet requirements; improper color; cracked or broken lenses; do not function properly.

15) Strobe
(Optional)PROCEDURES/SPECIFICATIONS:

If installed, lamp must comply with following requirements:

- 1) One per bus;
- 2) Shall emit white or bluish/white light;
- 3) Shall be visible from any direction;
- 4) Shall flash 60 to 120 times per minute;
- 5) Shall be visible in normal sunlight;
- 6) Mounted at or behind center of rooftop and equal distance from each side.
(Section 12-815 of the Illinois Vehicle Equipment Law)

Distance from rear will be calculated by

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measuring height of filament and multiplying same by 30 inches. (i.e., Filament height x 30 = distance from rear of bus where lamp is to be located)

REJECT VEHICLE IF:

If installed, strobe does not meet installation requirements; does not function properly; improper color; cracked or broken lenses.

Shielding is present.

PROCEDURES/SPECIFICATIONS:

Two red lights mounted with centers not less than 40 inches nor more than 50 inches from surface on which vehicle stands. Must conform to federal standards. 49 CFR 571.108

REJECT VEHICLE IF:

Tail lights do not meet requirements; do not function properly; improper color; cracked or broken lenses.

17) Turn
Signal,
Left
(armored)PROCEDURES/SPECIFICATIONS:

Flush mounted "armored" type amber clearance lamp mounted behind driver's seat. Functions with regular turn signal.

Exception: All buses purchased prior to September 1974 are exempt from having left armored turn signals.

Exceptions: Buses with capacity rating of less than 33 passengers are exempt. Buses manufactured in August 1974 or earlier are exempt. Buses that measure less than 80 inches wide or 20 feet long are exempt.

REJECT VEHICLE IF:

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Left turn signal does not meet requirements; does not function properly; improper color; cracked or broken lenses.

- 18) Turn
Signal,
Right
(armored)

PROCEDURES/SPECIFICATIONS:

Flush mounted "armored" type amber clearance lamp mounted at approximately seat level and rub rail height just to rear of service door. Functions with regular turn signal lamps.

Exception: All buses purchased prior to September 1974 are exempt from having right armored turn signals.

Exceptions: Buses with capacity rating of less than 33 passengers are exempt. Buses manufactured in August 1974 or earlier are exempt. Buses that measure less than 80 inches wide or 20 feet long are exempt.

REJECT VEHICLE IF:

Right turn signal does not meet requirements; does not function properly; improper color; cracked or broken lenses.

PROCEDURES/SPECIFICATIONS:

One amber or white lens on each side, at or near the front, at the same height and as far apart as practicable. Must meet federal standard 49 CFR 571.108.

Operate turn signals and four-way warning hazards to check performance of front and rear lights.

REJECT VEHICLE IF:

Front turn signal does not meet requirements; does not function properly; improper color; cracked or broken lenses.

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Four-way warning hazards do not operate properly.

- 20) Turn
Signal,
Rear

PROCEDURES/SPECIFICATIONS:

One red or amber lens on each side at the same height and as far apart as practicable below window. Must meet federal standard 49 CFR 571.108.

REJECT VEHICLE IF:

Rear turn signal does not meet requirements; improper color; does not function properly; cracked or broken lenses.

- e) LOCKED
COMPARTMENT

PROCEDURES/SPECIFICATIONS:

Fire extinguisher, first-aid kit, and warning devices may be stored either in a closed, unlocked compartment or under lock and key, provided the locking device is connected with an automatic warning signal that will alert driver when compartment is locked. The automatic alarm shall be both audible and visible to the seated driver. The alarm shall alert the driver when the engine is running and the compartment is locked and cannot be readily opened without using a tool, key, or combination. An alarm cut-off or "squench" control is prohibited.

Each safety item inside the compartment shall be named on the outside of the compartment cover, or door. In addition, a RED CROSS formed of five equal squares shall be displayed on the cover when the first aid kit is inside the compartment.

Exception: A bus with chassis manufactured in March 1977 or earlier need not have a visible alarm.

REJECT VEHICLE IF:

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Locked compartment is not readily accessible to driver; lettering or identification missing; alarm does not function properly when compartment is locked and vehicle is running.

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Section 443.APPENDIX H Mirrors Through Rub Rails**a) MIRRORS**PROCEDURES/SPECIFICATIONS:

Every required mirror shall be of reflecting material protected from abrasion, scratching, and corrosion. Mirror shall be firmly installed on stable supports so as to give a clear, stable, reflected view. Mirrors shall be adjustable so as to give and maintain its required field of view.

Convex crossover mirrors can be combined with either the right or left side safety mirrors provided the convex mirror meets the field of view and size requirements established in this subsection or in 49 CFR 571.111.

REJECT VEHICLE IF:

Mirrors do not meet requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

1) Exterior**A) Rear
View
Driving**PROCEDURES/SPECIFICATIONS:

Shall be mounted outside on the left and right sides of the bus. Must give seated driver a view to the rear along each side of the bus. Must be at least 50 square inches of usable flat rectangular reflecting surface on each side. (49 CFR 571.111)

If the rear view driving mirror does not provide the required field of view, a convex driving mirror must be installed to expand the driving view to the rear. However, the usable flat reflecting surface must be rectangular and must maintain at least 50 square inches.

REJECT VEHICLE IF:

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Rear view driving mirror does not meet requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

B) Right
Side
Safety

PROCEDURES/SPECIFICATIONS:

An outside convex mirror, either alone or in combination with the crossover mirror system, shall give the seated driver a view of the roadway along the right side of the bus between the most forward surface of the right front tire and the rear of the rear bumper. The projected reflecting surface of this convex mirror shall be at least 40 square inches (7 1/8 inches diameter if a circle).

Extra-wide-angle convex mirror heads are permissible on right front corner only.

Exception: A right safety mirror is optional on a bus manufactured in August 1974 or earlier.

REJECT VEHICLE IF:

Right side safety mirror does not meet requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

C) Left
Side
Safety

PROCEDURES/SPECIFICATIONS:

A convex mirror is required if the left rear view driving mirror system does not give the seated driver a reflected view of the roadway along the left side of the bus between the front edge of the driver's seat (in most forward position) and the rear of the rear bumper. The convex mirror shall be installed so that either alone or in combination with the rear view driving mirror gives the seated driver the proper view.

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Exception: A left safety mirror is optional on a bus with chassis manufactured in March 1977 or earlier.

REJECT VEHICLE IF:

Left side safety mirror does not meet requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

D) Crossover

PROCEDURES/SPECIFICATIONS:

An outside convex mirror shall give the seated driver a view of the front bumper and the area of roadway in front of the bus. The projected reflecting surface of this mirror shall be at least 40 square inches (7 1/8 inch diameter if a circle). (49 CFR 571.111)

Exception: If the seated driver of a forward control bus has a direct view of the front bumper and the area of roadway in front of the bus, a crossover mirror is optional.

REJECT VEHICLE IF:

Crossover mirror does not meet requirements; defective; excessively clouded; not adjustable; not securely attached; cracked or broken glass.

2) Interior

PROCEDURES/SPECIFICATIONS:

All buses purchased during and after September 1974 must have a clear view safety glass, metal backed and framed with rounded corners and edges which shall be padded. Shall afford a good view of the interior and roadway to the rear.

All buses purchased prior to September 1974 must have a rear view mirror.

REJECT VEHICLE IF:

Interior mirror does not meet requirements; defective; excessively clouded; not

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adjustable; not securely attached; cracked or broken glass.

b) PAINT
REQUIREMENTS

PROCEDURES/SPECIFICATIONS:

The exterior of the body, excluding required rub rail and lettering, shall be painted a uniform color: National School Bus Glossy Yellow. Required rub rail and lettering must be black. Additional rub rails may either be black or yellow. The front and rear bumpers and wheels may be black or manufacturer's colors. Grilles and hub caps may be a bright finish (chrome, anodized aluminum, etc.). (Section 12-801 of the Illinois Vehicle Equipment Law)

For buses manufactured on or after May 2, 1994, each opening for a required emergency exit must be outlined around its outside perimeter with a minimum 1 inch (2.54 cm.) wide yellow retroreflective tape. This yellow retroreflective tape must be on the exterior surface of the bus. (57 FR 49413, November 2, 1992)

Optional: Black area around flashing lights is permitted. Black area must not interfere with "SCHOOL BUS" lettering.

Optional: Reflectorized tape is permitted provided it reflects the same color that is applied to and cannot be located on any bumper.

Exception: Hoods may be lusterless black or lusterless school bus yellow.

REJECT VEHICLE IF:

Paint does not meet color requirements; paint in poor condition (i.e., faded, peeling or rusted).

Optional black area around flashers interferes with required lettering.

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Optional reflectorized tape does not meet color requirements or is located on the bumper.

c) PROJECTIONS

PROCEDURES/SPECIFICATIONS:

Entire rear of bus must be nonhitchable.

Exceptions: A bus manufactured in October 1978 or earlier is exempt from nonhitchable bumpers. A bus manufactured in August 1974 or earlier is exempt from nonhitchable projections. Every school bus, however, must have a nonhitchable door handle.

REJECT VEHICLE IF:

Exterior projections do not comply with nonhitchable projection requirements.

PROCEDURES/SPECIFICATIONS:

Interior shall be free of all dangerous projections.

Optional equipment (e.g., video camera) that is located in the bulkhead area of the bus and not flush with the interior walls must meet the following requirements:

1) Must not interfere with occupant's entering or exiting the bus.

2) Must not be located in driver's head impact zone.

3) Must not obstruct required lettering.

Additional projections (e.g., external speakers) in the head impact zone shall be padded to prevent injury. This includes inner lining of ceiling and walls. Installation of book racks is not permissible.

Exception: All buses purchased prior to September 1974 may be equipped with book

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racks. However, if book racks are present, they shall be above side windows and shall not extend forward of the front seat or across or above the emergency door. Racks must be free of projections likely to cause injury.

Exception: All buses purchased prior to September 1974 are exempt from padding on interior projections.

REJECT VEHICLE IF:

Optional equipment in bulkhead does not meet requirements.

Remaining interior projections are not padded (e.g., external speakers). Book racks are present.

Flush mounted speakers are exempt from padding requirements.

For buses purchased prior to September 1974, book racks do not meet requirements.

d) REFLECTORS

1) Front

PROCEDURES/SPECIFICATIONS:

Two yellow rigid or sheet type (tape) front reflex reflectors shall be attached securely and as far forward as practicable. (Section 12-202 of the Illinois Vehicle Equipment Law) They shall be located between 15 and 60 inches above the roadway at either fender, cowl, or body and installed so as to mark the outer edge of the maximum width of the bus. No part of the required reflecting material may be obscured by a lamp, mirror, bracket, or any other portion of the bus. No part of the required reflecting material may be more than 11.8 inches (300 mm) inboard of the outer edge of the nearest rub rail (12 inches on a bus with chassis manufactured in March 1977 or earlier). The reflector may be any shape (e.g., square, rectangle, circle, oval, etc.). A rigid type reflex reflector

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may be any size if permanently marked either DOT, SAE A, or SAE J 594; otherwise, it shall display at least seven square inches of reflecting material (about 3 inch diameter if a solid circle).

A sheet type (tape) reflex reflector may conform to the surface on which it is installed but its forward projected reflecting area shall be at least eight square inches.

Exception: Buses that measure 80 inches wide or less or that measure 25 feet long or less are exempt. (Section 12-202(a) of the Illinois Vehicle Equipment Law)

REJECT VEHICLE IF:

Missing or damaged reflective material; not located or positioned as required.

PROCEDURES/SPECIFICATIONS:

One amber at or near the front and one red at or near the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. On sides of buses 20 feet or more in length, one amber as near center as practicable must also be provided. (Section 12-202 of the Illinois Vehicle Equipment Law) Minimum three inches in diameter.

REJECT VEHICLE IF:

Missing or damaged reflective material; not located or positioned as required.

PROCEDURES/SPECIFICATIONS:

One amber at or near the front and one red at or near the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road. On sides of buses 20 feet or more in length, one amber as near center as practicable must also be provided. (Section 12-202 of the

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Illinois Vehicle Equipment Law) Minimum three inches in diameter.

REJECT VEHICLE IF:

Missing or damaged reflective material; not located or positioned as required.

PROCEDURES/SPECIFICATIONS:

Two red reflectors on rear body within 12 inches of lower right and lower left corners. (Section 12-202 of the Illinois Vehicle Equipment Law) Minimum three inches in diameter.

4) Rear

Exception: Buses that measure 80 inches wide or less or that measure 25 feet long or less are exempt. (Section 12-202(a) of the Illinois Vehicle Equipment Law)

REJECT VEHICLE IF:

Missing or damaged reflective material; not located or positioned as required.

e) RUB RAILS

PROCEDURES/SPECIFICATIONS:

There shall be one rub rail located approximately at seat level which shall extend from the rear of the entrance door on both sides, except at functioning doors, to a point of curvature at the rear of the body. Rub rails shall be constructed of 16-gauge longitudinally corrugated or ribbed steel, ventilated four inches minimum width, and securely fastened to the body by bolts, rivets, or welding.

Rub rails are not required on Type II service and driver's entrance doors; however, if installed, they must meet same requirements as above.

REJECT VEHICLE IF:

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Rub rails are missing; not firmly attached; incorrect color; or incorrect number of rails.

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Section 443.APPENDIX I Seat Belts Through Steps

a) SEAT BELTS

PROCEDURES/SPECIFICATIONS:

A seat belt shall be installed for the driver (Section 12-807 of the Illinois Vehicle Equipment Law). Seat belts shall be installed for each pupil as required by 49 CFR 571.222. At all times, each seat belt shall be readily available for quick and easy use. All retractors installed shall be automatic locking type. Each belt assembly shall be clean. Belt material, buckle, tongue, etc., of each driver's belt shall remain above floor when not in use.

Exception: On a bus with incomplete vehicle (chassis) manufactured in March 1977 or earlier, pupil belts are not required.

Exception: On a bus manufactured in August 1974 or earlier, driver's belts, etc., need not remain above floor.

REJECT VEHICLE IF:

Seat belts are not secured, not adjustable, cracked, broken, frayed, torn or dirty.
Retractor or buckle does not operate properly.

PROCEDURES/SPECIFICATIONS:

The driver's seat shall be rigidly positioned and have a forward and backward adjustment without the use of tools or other nonattached devices.

Seat padding and covering shall be in good condition (i.e., free from holes and tears).
Seat cushions shall be securely fastened to the seat frame.

REJECT VEHICLE IF:

Driver's seat is not securely anchored to floor; in poor condition; adjustment

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mechanism does not function properly.

c) SEAT, PASSENGER

PROCEDURES/SPECIFICATIONS:

For buses purchased after September 1974 all seats shall have a minimum depth of 14 inches and a minimum back rest height of 20 inches with a 13 inch allowable average hip room in determining seating capacity. All seats shall be forward facing and securely fastened to part or parts of bus which support them. No bus shall be equipped with jump seats or portable seats. The center-to-center seat spacing shall be no more than 24 inches, measured from the seating reference point to the seat back or guard barrier in front of the seat. Padding and covering shall be of fire resistant material. Minimum 36 inch headroom for sitting position above top of undepressed cushion line on all seats (measured vertically not more than seven inches from side wall at cushion height and at front and rear center of cushion). Backs of all seats of similar size shall be of the same width at top and the same height from floor and shall slant at the same angle with the floor. The top and side rails and seat backs shall be padded to cushion level. Seat padding and covering shall be in good condition (i.e., free from holes and tears). Seat cushions shall be securely fastened to the seat frame. (49 CFR 571.222)

Exception: All buses purchased prior to September 1974 and after January 1, 1972, shall have a seating plan for 16 pupils consisting of four rows of 30 inch forward facing seats with a minimum 12 inch aisle down the center. No jump or portable seats allowed. No seat or other object placed in the bus which restricts passageway to emergency door to less than 12 inches.

Exception: Those vehicles used as a school bus by school districts and private contractors prior to January 1, 1972, and are still in their possession that had

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previously passed a school bus safety inspection can still be utilized if they continue to meet the inspection requirements that were in effect at that time. These vehicles will not have to be brought up to the above standards.

or seat spacing is not in compliance.

A flip-up seat may be located only adjacent to any side emergency door. For buses manufactured on or after September 1, 1994 the flip-up seat must conform to the following:

- 1) The seat must be designed so that, when in the folded position, the seat cushion is flat against the seat back to prevent a child's limb from becoming lodged between the seat cushion and seat back.
- 2) The seat must be designed to discourage a child from standing on the seat cushion when in the folded position.
- 3) The working mechanism under the seat must be covered to eliminate any tripping hazard.
- 4) All sharp metal edges on the seat must be padded to prevent any snagging hazard.
- 5) No portion of a seat frame or seat bottom may extend past door opening.
- 6) No portion of the door latch mechanism can be obstructed by a seat.
- 7) There must be at least 11.7 inches (30 cm) measured from the door opening to the seat back in front.

REJECT VEHICLE IF:

Passenger seats are not firmly attached to body; broken frame; cushions not firmly attached; padding and covering not fire resistant. Padding or covering is loose, in poor condition, or missing; seats are torn or have holes; minimum seat dimensions

d) STEERING SYSTEM

1) Exterior

A) King Pins

PROCEDURES/SPECIFICATIONS:

Raise vehicle so as to unload kingpins (brakes should be applied to eliminate wheel bearing looseness). Either grasp wheel at top and bottom or use a bar for leverage. Attempt to rock wheel in and out. Check movement at extreme top or bottom of tire. If movement exists, place a dial indicator, tape measure, or a fixed device at the wheel and measure amount of movement.

Place leverage bar under tire. Raise bar to check for vertical movement between spindle and support axle.

REJECT VEHICLE IF:

Wheel bearing movement exceeds 1/4 inch; or kingpin movement exceeds:

| Wheel size | Max allowed |
|--------------|-------------|
| 16" or less | 1/4" |
| 16.1" to 18" | 3/8" |
| over 18" | 1/2" |

B) Linkage

PROCEDURES/SPECIFICATIONS:

For buses with single "I" beam or tube type front axle, hoist bus under axle. For buses with twin "I" beam type front axles or with "A frame" control arms, each axle or arm must be hoisted independently so as to load the ball joints. Grasp front and rear of tire and attempt to shake assembly right and left to determine linkage looseness. Measure movement of wheel.

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Inspect for damage to or looseness in the following linkage components:

- 1) Ball Joints
- 2) Cotter Pins
- 3) Drag Link
- 4) Idler Arm
- 5) Pitman Arm
- 6) Steering Box
- 7) Tie Rod
- 8) Tie Rod Ends

REJECT VEHICLE IF:

Measurement is found to be in excess of:

| Rim Diameter | Maximum Allowable Movement |
|--------------|----------------------------|
| 16" or less | 1/4" |
| 17" and 18" | 3/8" |
| over 18" | 1/2" |

Any linkage component is bent; welded; loose; insecurely mounted or missing.

C) Power Steering

PROCEDURES/SPECIFICATIONS:

Manually and visually inspect:

- 1) Belts
- 2) Cylinders
- 3) Fluid Level
- 4) Hoses
- 5) Mounting Brackets

E) Wheel Bearings

PROCEDURES/SPECIFICATIONS:

With the front end of the vehicle lifted so as to load any ball joints, grasp the front tire top and bottom, rock it in and out. Record movement. To verify that any

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- 6) Power Assist
- 7) Pump

REJECT VEHICLE IF:

Steering components are:

- 1) Loose, frayed, cracked, missing; incorrect belts
- 2) Loose and/or leaking
- 3) Low fluid level
- 4) Cracked, leaking, rubbed by moving parts
- 5) Cracked, loose, or broken
- 6) No assist is evident
- 7) Loose, leaking.

D) Toe-In/Toe-Out

PROCEDURES/SPECIFICATIONS:

With wheels held in a straight ahead position, drive vehicle slowly over the approved drive-on side slip indicator.

Excessive toe-in or toe-out is a general indication that complete check should be made of all front wheel alignment factors (caster, camber, steering axis inclination).

REJECT VEHICLE IF:

More than 30 feet per mile on the approved side slip indicator.

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looseness detected is in the wheel bearing, notice the relative movement between the brake drum or disc and the backing plate or splash shield.

AGENCY NOTE: Wheel bearing play can be eliminated by applying service brakes.

REJECT VEHICLE IF:

Relative movement between drum and backing plate, measured at tire, is 1/4 inch or more.

2) Interior

A) Column

PROCEDURES/SPECIFICATIONS:

Inspect to determine that column support bracket is properly tightened and all bolts are present.

REJECT VEHICLE IF:

Column support bracket is not properly tightened or bolts are missing.

B) Lash

PROCEDURES/SPECIFICATIONS:

With road wheels in straight ahead position, turn steering wheel until a turning movement can be observed at the left road wheel. Slowly reverse steering wheel motion and measure lash.

REJECT VEHICLE IF:

Lash exceeds following acceptable limits:

| Steering wheel maximum diameter (inches) | Acceptable lash measured at maximum circumference |
|--|---|
| 16 or less | 2 |
| 18 | 2 1/4 |
| 20 | 2 1/2 |
| 22 | 2 3/4 |

C) Shaft

PROCEDURES/SPECIFICATIONS:

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Grasp steering wheel with both hands and attempt to move shaft up and down.

REJECT VEHICLE IF:

Steering shaft moves up and down.

D) Steering Wheel

PROCEDURES/SPECIFICATIONS:

Inspect steering wheel condition.

REJECT VEHICLE IF:

Steering wheel is damaged. Any spokes are missing or reinforcement ring is exposed.

PROCEDURES/SPECIFICATIONS:

Turn steering wheel through a full right and left turn checking for binding, jamming and complete travel left and right.

REJECT VEHICLE IF:

Binding or jamming is present. Does not complete full turn from left to right. Tire rubs on fender or frame during turn.

e) STEPS

PROCEDURES/SPECIFICATIONS:

The first service entrance step shall be no more than 13 1/2 inches off the ground. If necessary, a step of adequate width and length shall be installed to meet this requirement. Provision shall be made to prevent road splash from the wheel from accumulating on the step if installed outside the body.

Risers shall be approximately equal in height, upper risers no more than 12 inches in height.

The surface entrance steps shall have a

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nonskid material applied. A 1 1/2 inch to three inch white nosing is required on the floor at the top riser.

REJECT VEHICLE IF:

Steps or risers are not solid. Steps, risers or nonskid material covering is missing, loose, or not in good condition. White nosing is missing or in poor condition.

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Section 443.APPENDIX J Stop Arm Panel Through Tow Hooks

a) STOP ARM
PANEL

PROCEDURES/SPECIFICATIONS:

A stop arm panel must be installed on the left side of the bus and may be operated either manually or mechanically. Decals may be used in lieu of painting.

Buses manufactured on or after September 1, 1992 must be equipped with an octagon-shaped semaphore which meet the requirements listed below under "Octagon."

Buses manufactured prior to September 1, 1992 may either be equipped with an octagon-shaped semaphore which meets the requirements listed below under "Octagon" or a hexagon shaped semaphore which meets the requirements listed below under "Hexagon."

Octagon - The arm shall be an octagon-shaped semaphore which measures at least 450 mm x 450 mm (17.72 inches x 17.72 inches) in diameter. The arm shall be red on both sides with a white border at least 12 mm (.47 inches) wide on both sides. The arm shall have the word "STOP" displayed in white uppercase letters on both sides. The letters shall be at least 150 mm (5.9 inches) in height and have a stroke width of at least 20 mm (.79 inches).

The stop signal arm shall comply with either (a) or (b) below:

- a) The entire surface of both sides of the arm can be reflectorized to meet 49 CFR 571.131; or
- b) Each side of the arm shall have at least two red lamps centered on the vertical centerline of the stop arm. One lamp shall be located at the extreme top of the arm and the other at its extreme bottom. The lamps shall light and

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flash alternately when stop arm is extended and likewise turn off and stop flashing when arm is closed. (49 CFR 571.131) (See Section 443.Illustration A for examples.)

Hexagon - The arm shall be a hexagon shaped semaphore approximately 18 inches wide and 18 inches long and of 16 gauge metal. The stop arm signal shall have the "STOP" painted on both sides in white letters at least six inches high with a brush stroke approximately 7/8 inch wide. The word "STOP" shall be painted on a panel with red background of approximately 8 inches by 16 inches. Remaining area of stop arm blade is to be painted white with a band of white border at least 1/2 inch wide painted from and rear on both sides as contrast. White portion of stop arm signal shall be reflectorized or shall have double-faced lamps with red lens approximately four inches in diameter located in the top and bottommost position of the blade. These lamps shall light and flash alternately when stop arm is extended and likewise turn off and stop flashing when arm is closed. (Section 12-803 of the Illinois Vehicle Equipment Law) (See Section 443.Illustration A for examples.)

Optional: Strobe lamps are acceptable on stop arm panels.

REJECT VEHICLE IF:

Stop arm panel is in poor condition (i.e., faded, peeling, or rusted); lights do not operate properly (if installed); is not securely attached; is not operating properly; does not meet requirements; is missing.

b) STORAGE
COMPARTMENT
(optional)

PROCEDURES/SPECIFICATIONS:

Covered, fire-resistant container securely fastened of adequate strength and capacity for tire chains and tools for minor emergency

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repairs.

REJECT VEHICLE IF:

If installed, storage compartment does not meet requirements.

PROCEDURES/SPECIFICATIONS:

Shall be interior, adjustable and not less than five inches by 16 inches. Must be installed above windshield.

Not required to be transparent, but must not interfere with view of interior rear view mirror.

REJECT VEHICLE IF:

Sun visor does not meet requirements.

d) SUSPENSION

1) Shocks

Equipped with front and rear heavy-duty, double acting shock absorbers.

REJECT VEHICLE IF:

Shocks are missing or severe leakage (not slight dampness) occurs. Mounting bolts or mounts are broken or loose, or rubber bushing is partially or completely missing.

PROCEDURES/SPECIFICATIONS:

Visually inspect:

- 1) Spring
- 2) Control arms
- 3) Torque arms (rear)

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REJECT VEHICLE IF:

Coil is missing, disconnected, broken, loose bushings, welded or damaged.

B) Leaf

With use of a pry bar and using frame as a pivot, attempt to pry front and rear spring attachments and check for movement. Front of vehicle must be jacked up on chassis for checking front suspension. Visually inspect:

- 1) Springs
- 2) Shackles
- 3) Hangers
- 4) U-bolts
- 5) Center bolts
- 6) Bushings or pivot

REJECT VEHICLE IF:

Springs are missing or broken. Shackles or "U" bolts worn or loose. Center bolt in springs sheared or broken. Steering stops allow tire to rub on frame or metal.

Any leaves are cracked or missing. Any shackle, shackle pins, hangers, or "U" bolts are worn, loose, or missing.

C) Torsion Bar (Stabilizer Bar)

PROCEDURES/SPECIFICATIONS:

Visually inspect:

- 1) Torsion bar
- 2) Mounting brackets
- 3) Control arms
- 4) Torque arms (if applicable - rear)

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- 5) Stabilizer bar(s) (if applicable)

REJECT VEHICLE IF:

Torsion bar missing, disconnected, broken, loose, welded, or damaged.

e) TOW HOOKS (optional)

- 1) Front

PROCEDURES/SPECIFICATIONS:

A front tow hook must not extend beyond the front of the front bumper. Each front tow hook not fastened securely to the chassis frame shall be connected to the frame by suitable braces.

REJECT VEHICLE IF:

Tow hook(s) extend beyond bumper; not securely attached.

PROCEDURES/SPECIFICATIONS:

Any tow hook(s) installed on the rear shall be attached or braced to the chassis frame or to an equivalent structural member of an integral type bus. A tow hook must not extend beyond the rear face of the rear bumper.

REJECT VEHICLE IF:

Tow hook(s) extend beyond bumper; not securely attached.

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Section 443. APPENDIX K Undercoating Through Windshield Wipers**a) UNDERCOATING**PROCEDURES/SPECIFICATIONS:

Fire resistant undercoating material applied by spray. Entire underside of body, front fenders, floor members and side panels below floor level must be covered.

REJECT VEHICLE IF:

Undercoating does not meet requirements.

b) VENTILATIONPROCEDURES/SPECIFICATIONS:

Body must be equipped with ventilating system capable of supplying proper quantity of air under operating conditions.

REJECT VEHICLE IF:

Air is obstructed; not securely fastened; not covered.

c) WARNING DEVICESPROCEDURES/SPECIFICATIONS:

Either three red cloth flags not less than 12 inches square and three red reflectors minimum of 3 inches in diameter or three bidirectional emergency triangles that conform to 49 CFR 571.125 (Section 12-702 of the Illinois Vehicle Equipment Law) Kit shall be securely stored.

REJECT VEHICLE IF:

Required warning devices are not present or are in poor condition.

d) WHEELS**1) Housings**PROCEDURES/SPECIFICATIONS:

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Full open type attached to floor sheet to prevent water, fumes or dust entering the body. Inside height should not exceed 10 inches above floor line. Housings shall allow for unimpeded wheel and tire service or removal. Housing shall provide clearance for installation and use of tire chains on the dual or single tires installed on the rear wheels.

Inspect tire and road wheel assemblies.

REJECT VEHICLE IF:

Wheel housings do not meet clearance requirement; wheel housings are not firmly secured; holes are present.

A tire or wheel is rubbing against any portion of the suspension, chassis, or body.

PROCEDURES/SPECIFICATIONS:

Inspect all wheel and rim bolts, nuts, studs, lugs, locking rings, etc. Each cover, cap, or decorative ring that obscures any of these items must be removed prior to the inspection.

Inspect for visible wheel damage.

REJECT VEHICLE IF:

Any wheel or rim securing device such as a nut, bolt, stud, lug, ring, or other type securing device is loose, missing, or cracked.

Wheel locating hole(s) are elongated, oversized, or "wallowed out." Any part of a wheel or rim is cracked, repaired by welding or rewelding, or damaged so as to cause unsafe operation of the vehicle.

PROCEDURES/SPECIFICATIONS:

Inspect tire for proper inflation (i.e., flat tire).

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A regrooved, retreaded, or recapped tire shall not be on the front steering axle.

A tire with restricted use marking is prohibited (e.g., "NHS" or "SL" following size marking, "Off Highway," "Farm Use," "Racing Only," etc.).

No school bus shall be equipped with any tire which has been so worn that tread configuration is absent on any part of the tire which is in contact with the road surface.

Inspect for tread wear:

- 1) Check for the presence of tread wear indicators.
- 2) For tires without tread wear indicators, use tread depth gauge to measure groove depth.

Steering (Front) Axle: Measure groove depth at any point on a major tread groove.

Drive (Rear) Axle: Measure groove depth in any two adjacent grooves at three equally spaced intervals around the circumference of the tire.

Do not measure on a tie-bar, groove hump, or fillet.
- 3) For tires without tread wear indicators and with noncircumferential grooves, or "spaces," between the tread elements (as in snow, mud, lug knob, or traction treads):

Steering (Front) Axle: Measure in a major groove at a point halfway between the center of the tire and the outside of the tread at any point on a major tread groove.

Drive (Rear) Axle: Measure in a

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major groove at a point halfway between the center of the tire and the outside of the tread at three equally spaced intervals around the circumference of the tire.

- 4) Inspect tire for bald, partially bald, cupped, dishd, or unevenly worn areas.

AGENCY NOTE:

"Bald" means without a groove.

Inspect for visible cord damage and exposure of ply cords in sidewalls and treads, including belting material cords.

Inspect for evidence of tread or sidewall separation.

Inspect for regrooved or recut treads.

49 CFR 369 requires tires marked "REGROOVABLE" to have sufficient tread rubber that, after regrooving, cord material below the grooves shall have a protective covering of tread material at least 3/32 inch thick.

Inspect tires for legible markings showing size designation and carcass construction.

AGENCY NOTE:

"R" in size designation shows radial construction. More plies at tread than sidewall shows belted construction. Same number of plies at tread and sidewall, without a belted or radial indication, shows plain bias construction.

Tires on same axle must be of same construction.

Inspect tires for size designation and for matched construction.

"Construction" refers to bias, bias belted, or radial arrangement of ply cords in the tire carcass.

Inspect each single dual tire assembly.

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A mixture of regular and mud-and-snow treads must be same on both sides of axle.

When radial and conventional (i.e., bias) ply tires are both used on a vehicle, one of the following two requirements shall be met:

1. On vehicles with one single wheel axle and one or more dual wheel axles, radial tires shall be used on the steering (i.e., front) axle only.
2. On vehicles having two single wheel axles, radial tires shall be used on the rear axle only.

A tube built only for bias tire shall not be installed in a radial tire. Red color shall not be added to stem of a "bias" tube. (Valve stem of tube for radial tire is either marked "radial" or has red ring or is painted red.) A "radial" tube and flap may be used in a bias tire.

Inspect valve stems.

REJECT VEHICLE IF:

Improper inflation (flat tire).

Regrooved, retreaded or recapped tire is located on front steering axle.

Restricted marking is present.

Any part of tire which is in contact with road surface is absent of tread configuration.

- 1) Tread wear indicators contact road in any two adjacent grooves at three equally spaced intervals around the circumference of the tire.
- 2) On steering (front) axle: Tread groove depth is less than 4/32 inch when measured at any point on a major tread groove.

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On drive (rear) axle: Tread groove depth is less than 2/32 inch in any two adjacent grooves at three essentially equally spaced intervals around the circumference of the tire.

- 3) On steering axle: Tread groove depth is less than 4/32 inch when measured in a major groove at a point halfway between the center of the tire and the outside of the tread at any point on a major tread groove.
On drive axle: Tread groove depth is less than 2/32 inch when measured in a major groove at a point halfway between the center of the tire and the outside of the tread at three essentially equally spaced intervals around the circumference of the tire.

- 4) The tire has bald, partially bald, cupped, dishd or unevenly worn areas.

A broken or cut cord can be seen. Rubber is worn, cracked, cut or otherwise deteriorated or damaged so that a cord can be seen - either when the tire is not touched or when the edges of the crack, cut or damage are parted or lifted by hand.

Tire has bump, bulge, knot or other evidence of partial carcass failure, air seepage, or loss of adhesion between carcass and tread or sidewall.

Tread has been regrooved or recut on a tire that does not have the word "REGROOVABLE" molded on or into both sides of the tire.

A tire on a road wheel does not exhibit a legible size marking and a legible construction marking.

Tires on the same axle are not of same construction.

A tire exceeds the diameter (not width) of its

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mate by 1/2 inch (1/4 inch radius) or more; or one tire touches its mate.

A mixture of regular and mud-and-snow treads are not the same on both sides of the axle.

Requirements for using both radial and conventional tires on a vehicle are not met.

A tube built only for bias tire but installed in a radial tire.

A valve stem leaks; is cracked; is either damaged or positioned so as to hamper pressure checking or inflation; shows evidence of wear because of misalignment.

e) WINDOWS

PROCEDURES/SPECIFICATIONS:

All applicable provisions of 49 CFR 571.205 apply to the optional laminated safety glass and also to any plastic material(s) used in a multiple glazed unit.

Glazing shall be marked as follows pursuant to 49 CFR 571.205:

- 1) Windshield - "AS 1" Glass
- 2) Driver's window - "AS 1" Glass or "AS 2" Glass
- 3) Driver's door - "AS 1" Glass or "AS 2" Glass
- 4) All other locations - "AS 1" Glass, "AS 2" Glass, or "AS 3" Glass.

REJECT VEHICLE IF:

Windows do not meet requirements or are not properly identified.

- 1) Emergency
(Also see
EMERGENCY
EXITS)

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When the emergency door is located on the left side, a rear emergency window shall be provided. Minimum dimensions are 16 inches high and 48 inches wide. Designed to be opened from the inside or the outside.

Hinged on top, designed and operated to insure against accidental closing in an emergency. Inside handle shall provide for quick release. Outside handle shall be nondetachable and nonhitchable. When locked or not fully latched, window shall actuate alarm audible and visible to driver. No cutoff switch allowed.

Optional emergency windows are allowed. They must be labelled "Emergency Exit" in letters at least two inches high, of a color that contrasts with its background, located at the top of or directly above the window on the inside surface of the bus.

REJECT VEHICLE IF:

Operating mechanisms do not function. Alarm does not function. Glass is cracked or broken (see EMERGENCY EXIT - Alarms and Locks).

PROCEDURES/SPECIFICATIONS:

Glazing in rear of bus shall be of fixed type. Any authorized or required sign, letters or numerals displayed on the window in the rear of the bus shall be located so as not to obstruct the driver's view.

REJECT VEHICLE IF:

Visibility through rear windows is obstructed. Glass is cracked or broken.

PROCEDURES/SPECIFICATIONS:

All buses purchased after September 1974 must have each side window as an unobstructed emergency opening and at least a nine inch by 22 inch wide opening obtained by lowering the window. Six inch stop line required on all windows. Safety glass, or equivalent,

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with exposed edges banded.

All buses purchased prior to September 1974 and after January 1, 1972, must have approved safety glass in all windows and doors and all exposed edges of the glass shall be banded.

Those vehicles used as a school bus by school districts and private contractors prior to January 1, 1972, and are still in their possession and had previously passed the school bus safety inspection can still be utilized if they continue to meet the inspection requirements that were in effect at that time. These vehicles will not have to be brought up to the above standards.

Note: For information regarding optional route identification markings, see Lettering.

REJECT VEHICLE IF:

Windows do not meet emergency opening requirements. Window does not open easily. Glass is cracked or broken. Stop lines are missing.

Window latches do not operate properly.

4) Windshield

PROCEDURES/SPECIFICATIONS:

Shall be installed between front corner posts and must not obstruct driver's view. (Section 12-501 of the Illinois Vehicle Equipment Law)

All buses purchased after September 1974 must have tinted safety glass six inches below top of windshield or equivalent to reduce glare.

All buses purchased prior to September 1974 must have safety glass and shall be heat resistant, laminated plate.

REJECT VEHICLE IF:

Windshield is not firmly sealed or attached. Glass is broken, cracked, or discolored (not including allowed tint).

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f) WINDSHIELD
WASHERPROCEDURES/SPECIFICATIONS:

Windshield washer shall effectively clean the area covered by both wipers.

REJECT VEHICLE IF:

Windshield washer does not effectively clean entire area or does not operate properly.

g) WINDSHIELD
WIPERSPROCEDURES/SPECIFICATIONS:

Wipers shall be either two speed or variable speed with nonglare arms and blades. Blades need not be individually powered.

REJECT VEHICLE IF:

Windshield wipers do not cover entire cleaning area. Blades are damaged, torn, hardened, or rubber wiping element has broken down. Wiper fails to park properly when shut off.

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Section 443. APPENDIX L Illinois Minimum Standards for School Bus - Van Type Conversions 1-16 Passengers Purchased Prior to September 1974

- a) The service door shall be located to the right of the operator and may be manually controlled from the operator's seat by an over center control.
- b) The emergency doors shall be located in the center of the rear end or on the right-hand side of the school bus. The door shall be equipped with fastening devices for opening from the inside and the outside body, which may be quickly released, but is designed to offer protection against accidental release.
- c) No seat or other object shall be placed in the bus which restricts passageway to the emergency door to less than twelve inches.
- d) The minimum clearance of all aisles, including between the seats and leading to the emergency door shall be twelve inches.
- e) The ceiling and walls shall be insulated with fireproof material to deaden sound and reduce vibration to a minimum.
- f) The interior of the school bus shall be free of all unnecessary projections likely to cause injury. This inner lining on ceilings and walls shall be fiberboard or metal.
- g) All glass in the windshield, windows, and doors shall be of approved safety glass. All exposed edges of glass shall be banded. The glass in the windshield shall be heat-absorbent laminated plate.
- h) 123 inch wheelbase.
- i) G.V.W.R. 7600 pounds.
- j) 3300 lbs. front axle.
- k) 5050 lbs. rear axle.
- l) 1475 lbs. front springs.
- m) 2200 lbs. rear springs.
- n) 8:00 x 16.5, 8 ply rating tires.
- o) 8 hole disc 16.5" x 6.00".
- p) High output primary heater.

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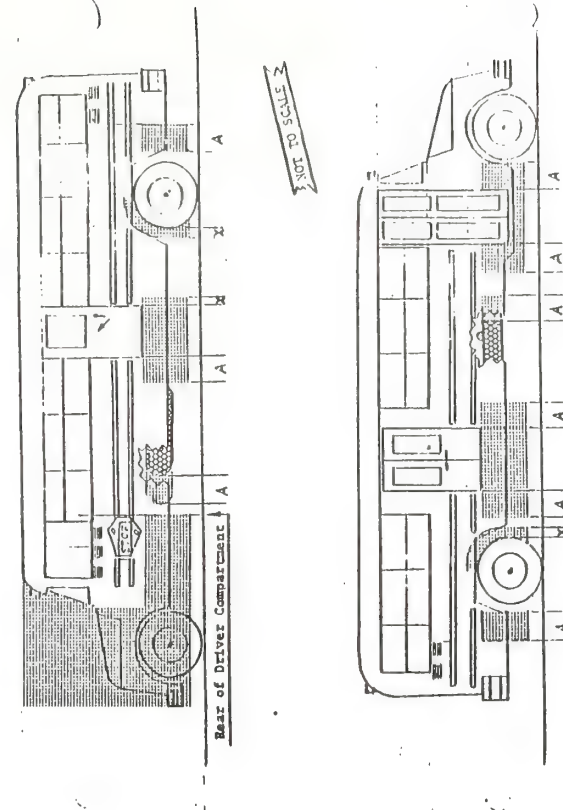
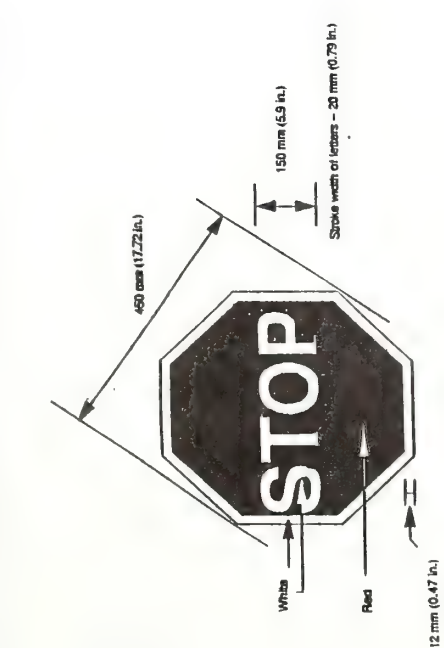
- q) Rear heater recirculating type.
- r) Two moveable glass vents or windows. One located on the right side and one on the left side of the driver's areas. These are optional.
- s) 240 cu. in. minimum engine.
- t) 55 amp alternator.
- u) 70 amp battery.
- v) Two 5" x 10" (minimum) outside rear view mirrors (West Coast Type), and two 3" convex mirrors (buses purchased prior to September, 1974, may have the 3" "stick on type" convex mirrors, provided they do not reduce the visual field of the mirror below 50 square inches).
- w) Inside rear view mirror.
- x) A convex crossover mirror 7 1/2" in diameter, mounted on left front to give the seated driver a view of the roadway immediately in front of the front bumper.
- y) Seating plan must allow 13 inches of seating space for each of 16 or fewer passengers, exclusive of the driver. All seats must face forward with a minimum of 12" aisle down the center or down the right side. No jump or portable seats allowed.
- z) Manually or mechanically operated "Stop" signal arm. Hexagon shaped semaphore mandatory on all vehicles purchased after December 31, 1975.
- aa) One rub rail applied to each side operator's door and service door. Rub rail may be omitted on operator's door if "Stop" signal arm is mounted on it.
- bb) Floor must be covered with a non-skid type material.
- cc) Roof mounted "School Bus" sign with flashing lights, acceptable until December 31, 1976. An eight light flashing system is then mandatory.
- dd) Color of bus shall be National School Bus Chrome Yellow.
- ee) All required lettering shall be in black. Emergency door lettering shall be two inches. Bus Number, School Name, District or Contractor's name on both sides of vehicle shall be four inches. "School Bus" shall be eight inches.
- ff) Vehicles may not be altered or converted to carry more than 16 passengers.

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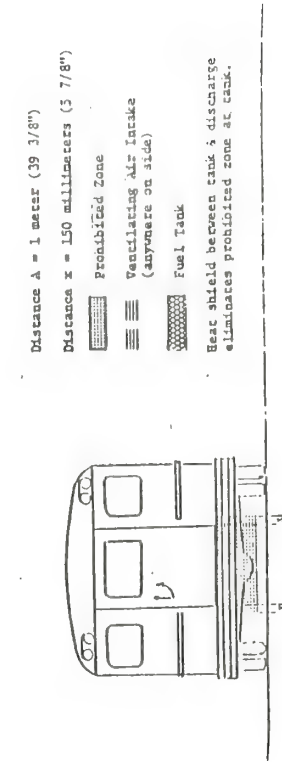
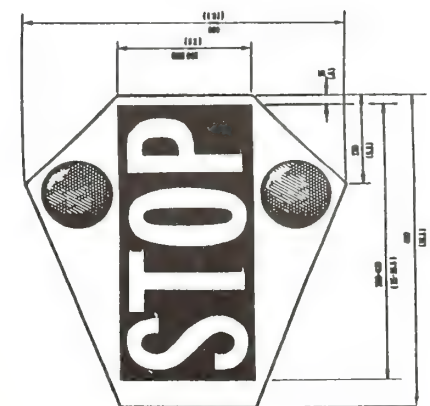
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Section 443. Illustration B Exhaust Guidelines

Section 443. Illustration A Stop Arm Panels
Octagon Shaped Semaphore (see Section 443. APPENDIX J (a))



Hexagon Shaped Semaphore (see Section 443. APPENDIX J (a))



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Section 443. ILLUSTRATION C Brake Inspection Report

[IDOT Letterhead]

School Bus Brake
Inspection Report

District of Contractor:

Name _____
Address _____
City/State _____ Zip _____ Telephone() _____
School Bus Unit Number _____ Chassis Make _____
Chassis Year _____ Chassis V.I.N. _____

Illinois law requires all school buses to be safety inspected at least once every six months or 10,000 miles, whichever occurs first. In addition, the Illinois Department of Transportation requires that a visual brake inspection be performed on every school bus operated in Illinois at least once a year or every 10,000 miles, whichever occurs first.

A completed School Bus Brake Inspection Report must be presented to the Certified Safety Tester each time a school bus is taken to an Official Testing Station for a safety inspection.

I attest that the entire brake system on the school bus listed above was inspected and found to be operating in accordance with the manufacturer's specifications or was repaired to perform in accordance with the manufacturer's specifications. The visual inspection of the brake system was performed on _____ by a qualified mechanic employed by _____ (date)

_____. The mileage on this school bus (business/school district where brake inspection was completed) was _____ when the visual brake inspection was performed. (mileage)

(name of authorized school district official or contractor)
Please print or type (date)

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(signature of authorized school district official or contractor)

(title)

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Section 443. Illustration D Propane Decal



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Section 443. ILLUSTRATION E Driver's Pre-Trip Inspection Requirements and Sample Form

As required in Section 13-115 of the Illinois Vehicle Inspection Law, drivers must complete the following "Pre-trip Inspection" daily:

"Each day that a school bus is operated the driver shall conduct a pre-trip inspection of the mechanical and safety equipment on the bus as prescribed by rule or regulation of the Department." (Section 13-115 of the Illinois Vehicle Inspection Law)

The following requirements became effective August 1, 1975:

- a) The driver must inspect his vehicle each day prior to beginning a trip.
- b) The driver is required to make a written report of this pre-trip inspection. He must report any defects found to the proper authority so that the defects can be corrected.
- c) The pre-trip inspection report shall be made in duplicate.
- d) As designated by the owner, the original copy shall be presented to the person of authority on a daily basis. These original copies shall be retained by the owner for one hundred and eighty days.
- e) The duplicate copy shall remain in the bus for a period of at least thirty days.
- f) The form shall specify items to be checked (see subsection (i)) and the minimum information to be recorded.
- g) The pre-trip inspection records and reports will be made available for inspection and audit by authorized representatives of the Department at any time.
- h) It is the responsibility of the bus owner to furnish pre-trip inspection report forms that meet the minimum requirements of this Chapter.
- i) Required items to be checked during the driver's Pre-Trip Inspection:
 - 1) Coolant; oil; battery; washer fluid levels; fan belts; and wiring.
 - 2) Steps; cleanliness; upholstery; windows; warning devices; fuses; first aid kit; fire extinguisher; emergency door (open and close); lettering.
 - 3) Odometer reading and indication of whether or not state inspection is due.

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- 4) Steering wheel; windshield wipers and washers; heater and defroster; horn; service door (open and close); all mirrors (adjustment); door buzzer; clutch; brake warning buzzer; stop arm control; gear shift lever; neutral safety switch; water temperature; fuel; vacuum or air pressure; gauges; parking brake; seat belt(s).
- 5) Ammeter; all interior lights; headlights (high/low beams).
- 6) Right front wheel and tire; right side marker lamps, turn signal light and reflectors; right rear view and safety mirror; headlights; turn signals; cluster; clearance; and I.D. lights; alternating flashing lights; windshield; underside of chassis; crossover mirror; left rear view mirror and safety mirror; left front wheel and tire; driver's side window; stop arm; left side marker lamps; turn signal light and reflectors; emergency door (open and close); left rear wheels and tires; exhaust system (tailpipe clear); cluster; clearance and I.D. lights; taillights; turn signals and reflectors; alternating flashing lights; rear emergency door (open and close); right rear wheels and tires; fuel tank filler caps.
- 7) Drain air brake tank. Record condition of bus (i.e., satisfactory or unsatisfactory).

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COMPANY NAME OR SCHOOL DISTRICT NAME

| Bus | Odometer | Date | Time |
|---|----------|------|------|
| Open Hood and Check: | | | |
| <input type="checkbox"/> Coolant, Oil, Battery, Washer Fluid Levels, Fan Belts and Wiring | | | |
| Enter Bus and Check: | | | |
| <input type="checkbox"/> Steps, Cleanliness, Upholstery, Windows, Warning Devices, Fuses, First Aid Kit, Fire Extinguisher and Emergency Door (open and close), Lettering | | | |
| Record Odometer Readings: (Circle if State Inspection is due shortly) | | | |
| Start Engine and Check: | | | |
| <input type="checkbox"/> Steering Wheel | | | |
| <input type="checkbox"/> Windshield Wipers and Washers | | | |
| <input type="checkbox"/> Heater and Defroster | | | |
| <input type="checkbox"/> Horn | | | |
| <input type="checkbox"/> Service Door (open and close) | | | |
| <input type="checkbox"/> All Mirrors (Adjustment) | | | |
| <input type="checkbox"/> Door Buzzer | | | |
| <input type="checkbox"/> Clutch | | | |
| <input type="checkbox"/> Brake Warning Buzzer | | | |
| <input type="checkbox"/> Stop Arm Control | | | |
| <input type="checkbox"/> Gear Shift Lever | | | |
| <input type="checkbox"/> Neutral Safety Switch | | | |
| <input type="checkbox"/> Water Temp., Fuel, Vacuum or Air Pressure | | | |
| <input type="checkbox"/> Gauges | | | |
| <input type="checkbox"/> Parking Brake | | | |
| <input type="checkbox"/> Seat Belt | | | |
| Drive Bus Forward and Apply Brakes | | | |
| Activate All Lights and Check: | | | |
| <input type="checkbox"/> Ammeter, All Interior Lights, Headlights (high/low beams) | | | |
| With Engine Running and All Lights On, Check Following Equipment Outside Bus: | | | |
| <input type="checkbox"/> Rt. Front Wheel and Tire | | | |
| <input type="checkbox"/> Rt. Side Marker Lamps, Turn Signal Light | | | |
| <input type="checkbox"/> Signal Light | | | |
| <input type="checkbox"/> Rt. Rear View and Safety Mirror | | | |
| <input type="checkbox"/> Headlights, Turn Signals | | | |
| <input type="checkbox"/> Cluster, Clearance and I.D. Lights | | | |
| <input type="checkbox"/> Alternating Flashing Lights | | | |
| <input type="checkbox"/> Windshield | | | |
| <input type="checkbox"/> Look under bus for leaks | | | |
| <input type="checkbox"/> Crossover Mirror | | | |
| <input type="checkbox"/> Left Rear View Mirror & Safety Mirror | | | |
| <input type="checkbox"/> Left Front Wheel and Tire | | | |
| <input type="checkbox"/> Driver's Side Window | | | |
| <input type="checkbox"/> Stop Arm | | | |
| <input type="checkbox"/> Left Side Marker Lamps, Turn Signal Light | | | |
| <input type="checkbox"/> Emergency Door (open and close) | | | |
| <input type="checkbox"/> Left Rear Wheels and Tires | | | |
| <input type="checkbox"/> Exhaust System (tailpipe clear?) | | | |
| <input type="checkbox"/> Cluster, Clearance and I.D. Lights | | | |
| <input type="checkbox"/> Taillights, Turn Signals and Reflectors | | | |
| <input type="checkbox"/> Alternating Flashing Lights | | | |
| <input type="checkbox"/> Rear Emergency Door (open and close) | | | |
| <input type="checkbox"/> Rt. Rear Wheels and Tires | | | |
| <input type="checkbox"/> Fuel Tank Filler Caps | | | |
| Drain Air Brake Tank | | | |
| Condition of this Bus is: | | | |
| <input type="checkbox"/> Satisfactory | | | |
| <input type="checkbox"/> Unsatisfactory | | | |

REMARKS

Signature of Driver making Report

Signature of Mechanic making Repairs

Date Repairs Completed

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

1) Heading of the Part: School Bus Brake Inspections

2) Code Citation: 92 Ill. Adm. Code 447

3) Section Numbers: Adopted Action:

447.1000 New Section

447.1010 New Section

447.1020 New Section

447.1030 New Section

447.Illustration A New Section

4) Statutory Authority: 625 ILCS 5/12-812

5) Effective Date of Rulemaking: March 13, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: March 7, 1995

9) Notice of Proposal Published in Illinois Register: September 2, 1994, 18 Ill. Reg. 13367

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

The Department deleted the left parentheses at the labeled subsections in Sections 447.1010 and 447.1030.

The Department indented all definitions an addition 5 spaces.

At Section 447.1020, "Code," the ILCS citation was shortened and corrected.

A period was inserted between "447" and "Illustration" in Section 447.1020.

At Section 447.1030(j)(1), "Person or Person's name" has been changed to "Person(s)".

At Section 447.1030(j)(4), "Identification" has been changed to "identification".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: By this Notice of Adopted Rules, the Department is establishing standards for the Department's school bus brake inspection program. The Department requires brakes on school buses to be inspected once a year or every 10,000 miles, whichever occurs first.

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Cathy Allen
Regulations and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1811

17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

The full text of the Adopted Rule begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 447

SCHOOL BUS BRAKE INSPECTIONS

Section

447.1000 Purpose

447.1010 Applicability

447.1020 Definitions

447.1030 Administrative Requirements

ILLUSTRATION A School Bus Brake Inspection Report

AUTHORITY: Implementing and authorized by Section 12-812 of the Illinois Vehicle Equipment Law [625 ILCS 5/12-812].

SOURCE: Adopted at 19 Ill. Reg. 4745, effective MAR 13 1995.

Section 447.1000 Purpose

This Part prescribes the requirements and procedures used to implement the Department's annual or 10,000 mile, whichever occurs first, school bus brake inspection program.

Section 447.1010 Applicability

This Part applies to the following persons:

- a) Department personnel;
- b) School bus owners or operators;
- c) Mechanics performing school bus brake inspections; and
- d) Certified Safety Testers at Illinois School Bus Official Testing Stations.

Section 447.1020 Definitions

"Brake components" - Any component the manufacturer has determined necessary to satisfy regulations or standards (FMVSS or SAE) governing braking operations.

"Certified Safety Tester"(CST) - An individual employed by an Official Testing Station who has passed a written exam and has demonstrated proficiency in the operation of authorized safety test equipment and has been issued evidence and authority by the Department to safety test vehicles in Illinois.

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NOTICE OF ADOPTED RULES

"Code" - The Illinois Vehicle Code [625 ILCS 5].

"Department" - The Department of Transportation of the State of Illinois, acting directly or through its authorized agents or officers. (Section 13-100 of the Code)

"Federal Motor Vehicle Safety Standards" (FMVSS) - The rules, regulations and standards set forth in 49 CFR 571.

"Officer" - An employee of the Illinois Department of Transportation.

"Official Testing Station" - All contiguous real and personal property which houses the testing lane(s) and any and all equipment and supplies relating to the safety inspection of vehicles.

"Society of Automotive Engineers"(SAE) - Society responsible for establishing industry standards which manufacturers follow in design and construction of motor vehicles.

"School Bus" - Every motor vehicle, except as provided below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other educational facilities.

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A motor vehicle of the first division. (Section 1-182 of the Code.)

"School Bus Brake Inspection Report" (see Section 447.111, Illustration A) - The form established by the Department to be used by school bus owners/operators to record school bus brake inspection requirements. The Brake Inspection Report is presented to the CST at the Official Testing Station at the time of the safety inspection required by Section 13-101 of the Code.

"Vehicle Inspection Report" - The form prescribed by the Department which is completed at the Official Testing Station when a vehicle is presented for a safety inspection.

Section 447.1030 Administrative Requirements

- a) The Department requires brakes on school buses operated in Illinois to be visually inspected every 10,000 miles or once a year (whichever occurs first).
- b) This brake inspection is separate from and in addition to the 10,000 mile or semi-annual safety inspection required by Section 13-101 of the Code.
- c) The brake components (e.g., linings, drums, hydraulic or air lines, wheel cylinders) must be visually inspected on each school bus. This inspection usually requires the wheels to be pulled from the school bus. Some manufacturers have provided inspection ports on the wheels which can be used in lieu of pulling the wheels provided all applicable brake components can be properly inspected.
- d) The brake components must be inspected to verify the manufacturer's specifications are being met or exceeded at the time of the brake inspection.
- e) A school bus brake inspection report must be completed for each school bus inspected to document compliance with the manufacturer's specifications.
- f) The school bus brake inspection report (Section 447.111, Illustration A) contains the following information. An original or photocopy of Section 447.111, Illustration A must be used to comply with this subsection.
 - 1) Name, address and phone number of the bus owner/operator;
 - 2) District or school served;
 - 3) School bus unit number;
 - 4) School bus chassis make;
 - 5) School bus chassis year;
 - 6) Vehicle Identification Number;
 - 7) Date and location of brake inspection; and
 - 8) Mileage on school bus at the time of brake inspection.
- g) The Brake Inspection Report must be signed and dated by an authorized official of the contractor or school district. The authorized

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official takes full responsibility for the inspection of the braking system.

- h) A valid, properly completed Brake Inspection Report (see Section 447.111, Illustration A) must be presented to the CST at the time of the safety inspection required by Section 13-101 of the Illinois Vehicle Code. This report must be retained at the Official Testing Station attached to the corresponding Vehicle Inspection Report.
- i) If the school bus has been driven less than 10,000 miles and less than 12 months have passed since the bus was manufactured, a brake inspection report is not required. The CST should write "Less than 10,000 miles and less than one year old" in the Remarks Section on the Vehicle Inspection Report.
- j) For each school bus inspected, a separate maintenance record must be maintained which contains the following:
 - 1) Person(s) name performing the brake inspection and repairs, if necessary;
 - 2) Owner/operator of the school bus;
 - 3) Date of the brake inspection/repairs;
 - 4) Vehicle identification (i.e., year, make, model, Vehicle Identification Number);
 - 5) Mileage on the school bus at the time of the brake inspection; and
 - 6) Record of work performed on the bus in order to meet manufacturer's specifications (e.g., specific components repaired, replaced, adjusted, etc.).
- k) The maintenance records required in subsection (k) shall be retained where the vehicle is either housed or maintained for a period of one year and for six months after the school bus leaves the owner/operator's control.
- l) The maintenance records shall be available for inspection and audit by officers of the Department at any time.

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Section 447. ILLUSTRATION A School Bus Brake Inspection Report

Illinois Department
of Transportation
Division of Traffic Safety
3215 Executive Park Drive
P.O. Box 19212
Springfield, Illinois 62794-9212

School Bus Brake
Inspection Report

District or Contractor:

Name _____
Address _____
City/State _____ Zip _____ Telephone() _____
School Bus Unit Number _____ Chassis Make _____
Chassis Year _____ Chassis V.I.N. _____

Illinois law requires all school buses to be safety inspected at least once every six months or 10,000 miles, whichever occurs first. In addition, the Illinois Department of Transportation requires that a visual brake inspection be performed on every school bus operated in Illinois at least once a year or every 10,000 miles, whichever occurs first.

A completed School Bus Brake Inspection Report must be presented to the Certified Safety Tester each time a school bus is taken to an Official Testing Station for a safety inspection.

I attest that the entire brake system on the school bus listed above was visually inspected and found to be operating in accordance with the manufacturer's specifications or was repaired to perform in accordance with the manufacturer's specifications. The visual inspection of the brake system was performed on _____ by a qualified mechanic employed by _____ (date)

_____. The mileage on this school bus was

(business/school district where
brake inspection was completed)

_____ when the visual brake inspection was performed.

(mileage)

(name of authorized school

district official or contractor)

Please print or type

(date)

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(signature of authorized school
district official or contractor)

(title)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of Part: Background Check of Foster Family Home Applicants

- 2) Code Citation: 89 Ill. Adm. Code 380

- 3) Section Numbers: Emergency Action:

380.1 Amend
380.2 Amend
380.3 Amend
380.4 Amend
380.5 Amend
380.6 Amend
380.7 Amend
380.8 Amend
380.12 Amend
380.13 Amend
380.14 Amend
380. Appendix A New

- 4) Statutory Authority: Section 4 of the Child Care Act of 1969 [225 ILCS 10/4]

- 5) Effective Date of Amendments: March 24, 1995

- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable

- 7) Date Filed in Agency's Principal Office: March 14, 1995

- 8) Reason for the Emergency: The Department has proposed amendments to 89 Ill. Adm. Code 385, Background Checks, to impose similar requirements on all child care facilities subject to licensure by the Department. Those proposed amendments continue to undergo review and refinement in response to the public comments received.

There has been an alarming number of tragedies in foster family and relative home care within the past few months, including three child deaths in foster family or relative care. Therefore, the Department is proceeding with emergency amendments to this Part, which is limited to foster family or relative care, until the issues in 89 Ill. Adm. Code 385 can be resolved fully.

- 9) A Complete Description of the Subjects and Issues Involved: The Child Care Act of 1969 requires criminal background checks of all applicants for licensure as a foster family home and gives the Department the authority to require by rule criminal background checks of other adult members of the household. In addition, the Child Care Act of 1969 requires that persons who have been convicted of committing or attempting to commit

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certain serious crimes may not be granted a foster parent license and allows the Department to establish standards for how to consider crimes not specifically identified in the Child Care Act. The Department has identified the crimes in Appendix A as sufficiently serious to prevent licensure as a foster family home.

Nearly one fourth of child abuse and neglect reports involve other members of the foster family's household, rather than the foster parents themselves. Therefore, the Department is proposing that criminal background investigations be completed for all adult members of the foster parent(s)' household and that a check of the State Central Registry be completed for any member of the household age 13 or older. This will increase the safety of children placed in foster care and insure that all the safety of the foster home has been thoroughly evaluated.

- 10) Are there any proposed amendments to this Part pending? Yes

| Section | Proposed Action | Illinois Register Citation |
|---------|-----------------|-----------------------------------|
| 380.1 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.2 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.3 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.4 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.5 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.6 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.7 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.8 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.9 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.10 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.11 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.12 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.13 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |
| 380.14 | Repeal | June 17, 1994 (18 Ill. Reg. 8779) |

- 11) State of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].

- 12) Information and questions regarding these amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street, Station # 222
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TTY: (217) 524-3715

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The full text of the emergency amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER d: LICENSING ADMINISTRATION

PART 380

BACKGROUND CHECK OF FOSTER FAMILY HOME APPLICANTS

- Section
380.1 Purpose
EMERGENCY
380.2 Definitions
EMERGENCY
380.3 Authorization for Criminal History Check
EMERGENCY
380.4 Fingerprinting of Applicants and Adult Members of the Household
EMERGENCY
380.5 Notice to Foster Family Home Applicant
EMERGENCY
380.6 Confidentiality of Information Received
EMERGENCY
380.7 Standard of Review Concerning Criminal History
EMERGENCY
380.8 Suspension of Application When Criminal Charges Are Pending
EMERGENCY
380.9 Denial of or Refusal to Renew a License
380.10 Applicant Appeal of Denial of or Refusal to Renew a License
380.11 Destruction of Criminal History Information
380.12 Return to Applicant Individual of Materials Provided
EMERGENCY
380.13 Applicant Request for Information Obtained
EMERGENCY
380.14 Check With State Central Register
EMERGENCY

APPENDIX A Criminal Convictions Which Prevent Licensure
EMERGENCY

AUTHORITY: Implementing and authorized by Section 4 of the Child Care Act of 1969 (225 ILCS 10/4).

SOURCE: Adopted and codified at 5 Ill. Reg. 5501, effective May 27, 1981; emergency amendment at 19 Ill. Reg. 4753, effective March 24, 1995, for a maximum of 150 days.

Section 380.1 Purpose
EMERGENCY

The purpose of this rule is to detail the process that the Department uses to

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check foster family home applicants to determine if ~~the-foster-parent~~ any adult member of the household has any criminal history. The primary focus of the criminal background check is to consider criminal charges as ~~they-might-affect the-applicant's-ability-to-perform-responsibly-as-a-foster-parent~~ they might affect the foster children's safety in the home. In addition, the Department shall conduct checks of the State Central Register on all members of the household age 13 or over to determine whether they have been involved in a child abuse/neglect report.

(Source: Emergency amendment at 19 Ill. Reg. 4753, effective March 24, 1995, for a maximum of 150 days)

Section 380.2 Definitions

EMERGENCY

"Adult" means any person who is eighteen (18) years of age or older.

"Foster family home applicant" means those individuals applying directly to the Department of Children and Family Services or through a licensed child welfare agency for a license to provide full-time care for children ~~not-related-to-them~~.

~~"Foster-parent(s)" means either a single person or a man and woman who are married-to-each-other and who are licensed-to-operate-a-foster family-home.~~

"Member of the household" means a person who resides in the household as evidenced by maintaining clothing and personal effects at the household address, receiving mail at the household address, or using identification with the household address.

(Source: Emergency amendment at 19 Ill. Reg. 4753, effective March 24, 1994, for a maximum of 150 days)

Section 380.3 Authorization for Criminal History Check

EMERGENCY

Each applicant for a foster family home license, whether applying directly to the Department of Children and Family Services or through a licensed child welfare agency, shall provide written authorization for the Department to request and receive information about the applicant from the United States Department of Justice, the Illinois ~~Department-of-law-enforcement~~ State Police, or other named law enforcement agency. In addition, other adult members of the applicant(s)' household are required to authorize the Department to request and receive information about any criminal history background.

(Source: Emergency amendment at 19 Ill. Reg. 4753, effective March 24, 1995, for a maximum of 150 days)

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Section 380.4 Fingerprinting of Applicants and Adult Members of the Household
EMERGENCY

Each applicant for a foster family home license and each adult member of the household shall submit to a fingerprinting process administered by the Department or its agent. Fingerprints shall be transmitted to the Illinois ~~Department-of-law-enforcement~~ State Police or other law enforcement agency named by the Department of Children and Family Services ~~on--Department--forms provided--for--the--purpose--of--obtaining-criminal-history-information-about-a foster-parent-applicant~~ in accordance with the process outlined by the Department for obtaining background information on these persons.

(Source: Emergency amendment at 19 Ill. Reg. 4753, effective March 24, 1995, for a maximum of 150 days)

Section 380.5 Notice to Foster Family Home Applicant

EMERGENCY

Each applicant for foster home licensure shall be informed in writing of the Department's requirement that the applicant and each adult member of the household consent to a criminal history check and submit to fingerprinting procedures as part of the foster home licensing process. Applicants shall be informed of their right to recover the identity materials submitted and to receive a copy of all criminal history information about the applicants obtained by the Department.

(Source: Emergency amendment at 19 Ill. Reg. 4753, effective March 24, 1995, for a maximum of 150 days)

Section 380.6 Confidentiality of Information Received

EMERGENCY

- All information received by the Department of Children and Family Services from a law enforcement agency which concerns an applicant for foster family home licensure or any member of the household is confidential. It may be released only as authorized by this ~~rule~~ Part.
- All information received pursuant to this ~~rule~~ Part shall be maintained in a single ~~manual~~ information system under the sole control of the Director of the Department of Children and Family Services or his designee.
- All criminal history information shall be used solely for the purpose of evaluating ~~an-applicant's-suitability-as-a-foster-parent~~ the suitability of the foster home and shall be accessible only to those ~~Department--of--Children--and--Family--Services~~ employees directly involved in the foster home licensing process for the applicant or specifically designated by the Director of the Department to review criminal history information.

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- d) Any employee of the Department of Children and Family Services who gives or causes to be given in a manner not authorized by this rule any confidential information concerning any criminal charges and their disposition pertaining to a foster parent applicant shall be guilty of a Class A misdemeanor pursuant to Section 4 of the Child Care Act of 1969, amended 1977 (Ill. Rev. Stat., ch. 237, Sec. 221.47) [225 ILCS 10/4].

(Source: Emergency amendment at 19 Ill. Reg. 4753, effective March 24, 1995, for a maximum of 150 days)

Section 380.7 Standard of Review Concerning Criminal History

EMERGENCY

- a) In assessing the suitability of an applicant for foster parent licensure, the Department may consider prior criminal charges and their disposition (including convictions), criminal charges pending at the time of application, and criminal charges filed during review of the application.

- b) When a criminal history has been discovered Department employees, designated by the Director of the Department, shall review the materials focusing on the relationship between the offense which was the basis for the conviction and the applicant's ability to perform responsibility as a foster parent. The following shall be considered:

- 1) the type of crime for which the individual was convicted;
- 2) the number of crimes for which the individual was convicted;
- 3) the nature of the offense;
- 4) the age of the individual at the time of the conviction;
- 5) the length of time that has elapsed since the last conviction;
- 6) the relationship of the crime and the ability to care for children;
- 7) evidence of rehabilitation; and
- 8) opinions of community members concerning the individual in question.

- c) Persons with certain serious criminal convictions shall not receive a license to serve as a foster parent or be an adult member of the household of a foster family home. These serious crimes are listed in Appendix A of this Part.

(Source: Emergency amendment at 19 Ill. Reg. 4753, effective March 24, 1995, for a maximum of 150 days)

Section 380.8 Suspension of Application When Criminal Charges Are Pending

EMERGENCY

If criminal charges are pending against an applicant or adult member of the household when the application for foster family home licensure is filed, the application process for that particular individual foster family home shall be

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suspended until some official disposition of the charges is submitted to the Department by appropriate officials.

(Source: Emergency amendment at 19 Ill. Reg. 4753, effective March 24, 1995, for a maximum of 150 days)

Section 380.12 Return to Applicant Individual of Materials Provided

EMERGENCY

After the Criminal history check has been completed, all identity materials obtained from the applicant or any adult member of the household by the Department of Children and Family Services, or its agent, shall be returned in its original form to the applicant upon written request to the Department of Children and Family Services. No copies of the identity materials shall be made or retained by the Department of Children and Family Services or by any agency to which such identity materials were transmitted.

(Source: Emergency amendment at 19 Ill. Reg. 4753, effective March 24, 1995, for a maximum of 150 days)

Section 380.13 Applicant Request for Information Obtained

EMERGENCY

All information obtained from the criminal history check, including the source of the information, and any conclusions or recommendations derived from this information by the Department of Children and Family Services, shall be provided to the applicant, individual, or his designee, upon written request to the Director of the Department, prior to any final action on the application by the Department of Children and Family Services.

(Source: Emergency amendment at 19 Ill. Reg. 4753, effective March 24, 1995, for a maximum of 150 days)

Section 380.14 Check With State Central Register

EMERGENCY

- a) Applicants shall be informed that the Department's State Central Register of child abuse and neglect will be queried concerning indicated child abuse or neglect reports concerning them and any member of the household 13 years of age and older.

- b) When an indicated report is discovered Department employees designated by the Director of the Department shall assess the information in accordance with the criteria established in 89 Ill. Adm. Code 385. Background Checks. materials focusing on the relationship between the abuse or neglect and the applicant's ability to perform responsibility as a foster parent. the following shall be considered:
- 1) the type of indicated abuse and neglect;
 - 2) the age of the individual at the time of the report;

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- 3) the--length--of--time--that--has--elapsed--since--the--most--recent--indicated--report
 4) the--relationship--of--the--report--and--the--ability--to--care--for--children--and
 5) evidence--of--successful--parenting--
 c) An--applicant--shall--be--notified--in--writing--if--the--Department--decides--to--deny--a--foster--family--home--license--application--or--refuses--to--renew--a--foster--home--license--application--based--on--an--indicated--child--abuse--or--neglect--report--and--of--their--right--to--appeal--the--decision--
 d) An--applicant--may--appeal--a--decision--to--deny--or--refusal--to--renew--a--license--because--of--an--indicated--child--abuse--or--neglect--report--according--to--the--process--in--Section--300.10:

(Source: Emergency amendment at 19 Ill. Reg. **4753**, effective March 24, 1995, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 380. APPENDIX A Criminal Convictions Which Prevent Licensure
 EMERGENCY

If the foster parent applicant(s) or any adult member of the household has been convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5] or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below, this conviction will serve as a bar to receiving a foster home license or permit.

OFFENSES DIRECTED AGAINST THE PERSON

HOMICIDE

Murder
 Solicitation of murder
 Solicitation of murder for hire
 Intentional homicide of an unborn child
 Voluntary manslaughter of an unborn child
 Involuntary manslaughter
 Reckless homicide
 Concealment of a homicidal death
 Involuntary manslaughter of an unborn child
 Reckless homicide of an unborn child

KIDNAPPING AND RELATED OFFENSES

Drug induced kidnapping
 Kidnapping
 Aggravated kidnapping
 Unlawful restraint
 Aggravated unlawful restraint
 Forcible detention
 Child abduction
 Aiding and abetting child abduction

SEX OFFENSES

Indecent solicitation of a child
 Sexual exploitation of a child
 Sexual relations within families
 Prostitution
 Soliciting for a prostitute
 Soliciting for a juvenile prostitute
 Pandering
 Felony keeping a place of prostitution
 Patronizing a juvenile prostitute

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Felony pimping
Juvenile pimping
Exploitation of a child
Felony obscenity
Child pornography
Felony harmful material
BODILY HARM
Felony aggravated assault
Vehicular endangerment
Felony domestic battery
Aggravated battery
Heinous battery
Aggravated battery with a firearm
Aggravated battery of a child or institutionalized mentally retarded person
Aggravated battery of an unborn child
Tampering with food, drugs, or cosmetics
Aggravated battery of a senior citizen
Drug induced infliction of great bodily harm
Intimidation
Compelling organization membership of persons
Hate crime
Stalking
Aggravated stalking
Threatening public officials
Home invasion
Vehicular invasion
Criminal sexual assault
Aggravated sexual assault
Felony criminal sexual abuse
Aggravated sexual abuse
Criminal transmission of HIV
Abuse and gross neglect of a long term care facility resident
Criminal neglect of an elderly or disabled person
Child abandonment
Endangering the life or health of a child
Felony violation of an order of protection
Ritual mutilation
Ritualized abuse of a child

OFFENSES DIRECTED AGAINST PROPERTY

Felony theft
Robbery
Aggravated robbery
Aggravated vehicular hijacking

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NOTICE OF EMERGENCY AMENDMENTS

Burglary
Possession of burglary tools
Residential burglary
Criminal fortification of a residence or building
Arson
Aggravated arson
OFFENSES AFFECTING PUBLIC HEALTH, SAFETY AND DECENCY
Felony unlawful use of weapons
Aggravated discharge of a firearm
Reckless discharge of a firearm
Unlawful use of metal piercing bullets
Unlawful sale or delivery of firearms on the premises of any school
Disarming a police officer
Obstructing justice
Concealing or aiding a fugitive
Armed violence
Felony contributing to the criminal delinquency of a juvenile

DRUG OFFENSES

Possession of more than thirty grams of cannabis
Manufacture of more than 10 grams of cannabis
Cannabis trafficking
Delivery of cannabis on school grounds
Unauthorized production of more than five cannabis sativa plants
Calculated criminal cannabis conspiracy
Unauthorized manufacture or delivery of controlled substances
Controlled substance trafficking
Manufactured, distribution, advertisement of look-alike substances
Calculated criminal drug conspiracy
Permitting unlawful use of a building
Delivery of controlled, counterfeit or look-alike substances to persons under age 18, or at truck stops, rest stops, safety rest areas, or on school property
Using, engaging, or employing persons under 18 to deliver controlled, counterfeit or look-alike substances
Delivery of controlled substances
Sale or delivery of drug paraphernalia
Felony possession, sale or exchange of instruments adapted for use of controlled substance or cannabis by subcutaneous injection

(Source: Emergency amendment at 19 Ill. Reg. 4753, effective March 24, 1995, for a maximum of 150 days)

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

1) Heading of the Part: Meat and Poultry Inspection Act2) Code Citation: 8 Ill. Adm. Code 1253) Section Numbers: Peremptory Action:125.270 Amended
125.380 Amended

4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: Section 16 of the Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 316) [225 ILCS 650/16]; the Federal Meat Inspection Act (21 U.S.C.A. 661); the Federal Poultry Inspection Act (21 U.S.C.A. 454); 60 FR 5762 and 60 FR 10304.

5) Statutory Authority: The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 301 et seq.) [225 ILCS 650].

6) Effective Date: March 13, 19957) A Complete Description of the Subjects and Issues Involved:

In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act, the Federal Poultry Inspection Act, and in compliance with Section 16 of the Meat and Poultry Inspection Act, changes in the federal rules relative to meat and poultry inspection are hereby adopted.

The Food Safety and Inspection Service (FSIS) of the United States Department of Agriculture is correcting amendments to nutrition labeling regulations which were published in the Federal Register on January 3, 1995 (60 FR 174) and adopted by this agency on January 27, 1995. The sections of the federal rules being corrected are: 9 CFR 381.461 (refer to January 30, 1995 issue of the Federal Register, page 5762); and 9 CFR 381.409 (refer to February 24, 1995 issue of the Federal Register, page 10304).

The FSIS is also correcting an amendment to update references to an incorporation by reference in 9 CFR Part 318.19 which was published in the June 30, 1994 issue of the Federal Register (59 FR 33641) and adopted by this agency on July 29, 1994. The correction appears in the February 24, 1995 issue of the Federal Register, page 10304.

8) Does this rulemaking contain an automatic repeal date? No9) Date Filed in Agency's Principal Office: March 14, 199510) This rule is in compliance with Section 5-50 of the Illinois

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

Administrative Procedure Act, Peremptory Rulemaking.

11) Are there any proposed amendments pending to this Part? Yes, peremptory amendments to Sections 125.10, 125.100, 125.260, 125.270, and 125.380, 19 Ill. Reg. 1342, February 10, 1995.

12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.

13) Information and questions regarding this adopted amendment shall be directed to:

Name: Debbie Wakefield
Address: Illinois Department of Agriculture
State Fairgrounds
Springfield, Illinois 62794-9281
Telephone: 217/785-5713 FAX: 217/785-4505

The full text of the peremptory amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS

CHAPTER I: DEPARTMENT OF AGRICULTURE

SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125

MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR

POULTRY INSPECTION

Section

125.10 Definitions
 125.11 Incorporation by Reference of Federal Rules
 125.20 Application for License; Approval
 125.30 Official Number
 125.40 Inspections; Suspension or Revocation of License
 125.50 Administrative Hearings; Appeals
 125.60 Assignment and Authority of Program Employees
 125.70 Schedule of Operations; Overtime
 125.80 Official Marks of Inspection, Devices and Certificates
 125.90 Records and Reports
 125.100 Exemptions
 125.110 Disposal of Dead Animals and Poultry
 125.120 Reportable Animal and Poultry Diseases
 125.130 Detention; Seizure; Condemnation
 125.140

SUBPART B: MEAT INSPECTION

Section

125.150 Livestock and Meat Products Entering Official Establishments
 125.160 Equine and Equine Products
 125.170 Facilities for Inspection
 125.180 Sanitation
 125.190 Ante-Mortem Inspection
 125.200 Post-Mortem Inspection
 125.210 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
 125.220 Humane Slaughter of Animals
 125.230 Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
 125.240 Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
 125.250 Marking Products and Their Containers
 125.260 Labeling, Marking and Containers
 125.270 Entry into Official Establishment; Reinspection and Preparation of Product
 125.280 Meat Definitions and Standards of Identity or Composition
 125.290 Transportation
 125.295 Imported Products
 125.300 Special Services Relating to Meat and Other Products

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

125.305 Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section

125.310 Application of Inspection
 125.320 Facilities for Inspection
 125.330 Sanitation
 125.340 Operating Procedures
 125.350 Ante-Mortem Inspection
 125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts
 125.370 Handling and Disposal of Condemned or Inedible Products at Official Establishments
 125.380 Labeling and Containers
 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
 125.400 Definitions and Standards of Identity or Composition
 125.410 Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 301 et seq.) [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 10102, 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, July 17, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 9 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184,

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effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; peremptory amendment at 19 Ill. Reg. **4763**, effective **MAR 13 1995**.

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

SUBPART B: MEAT INSPECTION

Section 125.270 Entry into Official Establishment; Reinspection and Preparation of Product

- a) The Department incorporates by reference 9 CFR 318.1(c) through 318.7, 318.9 through 318.10, 318.14 through 318.20, 318.22, 318.23, 318.24, 318.300 through 318.311 (1990; 54 FR 43041, effective January 18, 1990; 55 FR 7294, effective August 28, 1990; 55 FR 34678, effective September 24, 1990, as amended by 55 FR 49991, December 4, 1990; 57 FR 27870, effective July 22, 1992; 57 FR 42885, effective October 19, 1992; 58 FR 4067, effective February 12, 1993; 58 FR 41138, effective September 1, 1993; 58 FR 42188, effective September 8, 1993; 58 FR 45238 and 58 FR 45240, effective September 27, 1993; 58 FR 59934, effective December 13, 1993; 58 FR 63521, effective January 3, 1994; 59 FR 12536, effective April 18, 1994; 59 FR 33641, effective June 30, 1994; 59 FR 41640, effective September 14, 1994; 59 FR 62551, effective January 5, 1995; 60 FR 10304, effective February 24, 1995).
- b) No meat or meat product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, a federal inspection legend, or is exempt from inspection as stated in Section 125.110. Meat and meat products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.200 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any meat and meat product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected by the inspector and passed. Wild game carcasses shall comply with Section 5(B)(4) of the Act. The official establishment shall maintain an inventory of non-meat items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.
- c) Reinspections of meat and/or meat products within the official establishment shall be performed through the use of a random digit table.
- d) Docks and receiving rooms for meat and/or meat products or other articles used by the establishment in the preparation of meat products entering an official establishment shall be approved by the inspector if the location of such docks or receiving rooms will not permit such product or article to pass through rooms containing inspected and passed products.
- e) The manner of defrosting frozen products and methods of treating to

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

preserve products shall be in accordance with procedures as set forth in the "Meat and Poultry Inspection Manual" as adopted in Section 125.20.

- f) Casings or weasand shall be inspected and passed if it is in compliance with the specific provisions as stated in 9 CFR 318.5(i) for passage of such articles.
- g) The Department does not approve new substances to be used on meat or in meat products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used and artificial flavorings may be used if they do not adulterate the meat and/or meat product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.
- h) References to exemptions from slaughter and custom slaughter shall mean those exemptions set forth in Section 125.110.
- i) Reference to 9 CFR 327 are not applicable to the Department in its enforcement of the rules of this Part. References to the federal Poultry Inspection Act, Section 403 of the Act, Section 7 of the Act, 9 CFR 303, and paragraph 23(a) of the Act shall be interpreted to mean in accordance with The Meat and Poultry Inspection Act and the rules of this Part.
- j) The Department does not approve thermometers for use in smokehouses, dry rooms and other compartments that are used in the treatment of pork.
- k) Disinfectants shall be those as set forth in Section 125.180.
- l) Adequate vacuum shall be determined through the use of vacuum gauges.
- m) Canned products which may be processed without steampressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- n) The inspector shall permit lots of canned product to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 318.309.
- o) The standards and procedures for determining when ingredients of finished products are in compliance with this Section shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

(Source: Peremptory amendment at 19 Ill. Reg. 4765, effective MAR 13 1995)

SUBPART C: POULTRY INSPECTION

Section 125.380 Labeling and Containers

- a) The Department incorporates by reference 381.115 through 381.127, 381.129 through 381.132(b)(1), 381.133 through 381.144(d), 381.400, 381.402, 381.408, 381.409, 381.412, 381.413, 381.443, 381.444, 381.445, 381.454, 381.456, 381.460, 381.461, 381.462, 381.469,

DEPARTMENT OF AGRICULTURE

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381.480, 381.500 (1990; 55 FR 5976, effective March 23, 1990; 55 FR 7289, effective August 28, 1990; 55 FR 49826 and 50081, effective May 29, 1991; 56 FR 1359, effective September 3, 1991; 56 FR 22638, effective January 2, 1992; 56 FR 67485, effective March 2, 1992; 57 FR 24542, effective July 10, 1992; 57 FR 43588, effective October 21, 1992; 58 FR 38046, effective August 16, 1993; 59 FR 14528, effective May 27, 1994; 58 FR 632, 58 FR 43787, 58 FR 47624, and 59 FR 12157, effective July 6, 1994; 59 FR 40209, effective August 8, 1994; 59 FR 45189, effective September 1, 1994; 60 FR 174 and correction printed at 60 FR 5762, effective January 3, 1995; 60 FR 10304, effective February 24, 1995).

- b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.
- c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.
- d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.
- e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.
- f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600.120).
- g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act and Section 125.60.
- h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.
- i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(b)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.
- k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm.

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

Code 20.1.

- 1) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.
- m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).
- n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.
- o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.
- p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.
- r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Peremptory amendment at 19 Ill. Reg. 4765, effective MAR 13 1995)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 7, 1995 through March 13, 1995, and have been scheduled for review by the Committee at its April 18, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

| Second Notice Expires | Agency and Rule | Start of First Notice | JCAR Meeting |
|-----------------------|--|---------------------------------|--------------|
| 4/20/95 | State Board of Elections, Practice and Procedures (26 Ill Adm Code 125) | 5/6/94 18 Ill Reg 6509 | 4/18/95 |
| 4/20/95 | Department of Nuclear Safety, Licensing Requirements for Source Material Milling Facilities (32 Ill Adm Code 332) | 12/16/94 18 Ill Reg 17806 | 4/18/95 |
| 4/20/95 | Department of State Police Merit Board, Procedures of the Department of State Police Merit Board (80 Ill Adm Code 150) | 11/14/94 18 Ill Reg 16536 | 4/18/95 |
| 4/22/95 | Department of Insurance, Tax Allocation (50 Ill Adm Code 942) | 12/2/94 18 Ill Reg 17068 | 4/18/95 |
| 4/26/95 | Department of Corrections, Chaplaincy (20 Ill Adm Code 425) | 1/13/95 19 Ill Reg 152 | 4/18/95 |
| 4/26/95 | Department of Professional Regulation, Illinois Dental Practice Act (68 Ill Adm Code 1220) | 12/30/94 18 Ill Reg 18196 | 4/18/95 |
| 4/26/95 | Department of Labor, Repeal of Illinois Minimum Wage Law (56 Ill Adm Code 200) | 11/18/94 18 Ill Reg 16779 | 4/18/95 |
| 4/26/95 | Department of Labor, Minimum Wage Law (56 Ill Adm Code 210) | 11/18/94 18 Ill Reg 16787 | |

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

| | | | | | | | |
|-----------------------|---------|-----------------|---|-----------------------|--------|--------------|---------|
| Second Notice Expires | 4/26/95 | Agency and Rule | Department of Labor, Illinois Labor Law (56 Ill Adm Code 250) | Start of First Notice | 1/6/95 | JCAR Meeting | 4/18/95 |
|-----------------------|---------|-----------------|---|-----------------------|--------|--------------|---------|

PROCLAMATIONS

95-092
MOTORCYCLE AWARENESS MONTH

Whereas, Illinois is a national leader in motorcycle education; and
Whereas, the Illinois Department of Transportation has been conducting the Illinois Cycle Rider Safety Training Program since 1976; and
Whereas, the program is supported by state motorcycle registration fees and has been responsible for training more than 121,000 Illinois cyclists; and
Whereas, there is a need to enhance public awareness of the increased presence of motorcyclists on our roadways;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1995 as MOTORCYCLE AWARENESS MONTH in Illinois in recognition of efforts to improve motorcycle safety and the continuing leadership role that our state has taken in promoting motorcycle safety training.
Issued by the Governor March 1, 1995.
Filed by the Secretary of State March 9, 1995.

95-093
BUILDING SAFETY WEEK

Whereas, the well-being of every citizen of Illinois depends on the safety of the buildings in which they live, work, and play; and
Whereas, code compliance in these buildings is the joint responsibility of building owners, building operators, architects, engineers, contractors, and building officials; and
Whereas, the general public should recognize the importance of building-safety codes, which protect the public's health and safety by regulating the structural, electrical, plumbing, mechanical, fire-safety, energy efficiency, accessibility, and other aspects of both newly constructed and existing buildings; and
Whereas, units of state and local government throughout the United States are joining in expressing appreciation to the conscientious members of the building industry who ensure the safety of buildings throughout our state and the nation;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 9-15, 1995, as BUILDING SAFETY WEEK in Illinois. I urge our citizens to take heed of the theme "Building Safety is NO Accident," and to recognize the importance of modern building-safety codes.
Issued by the Governor March 2, 1995.
Filed by the Secretary of State March 9, 1995.

95-094
DANVILLE HIGH SCHOOL DAY

Whereas, the Freedom Shrine was inspired by the Freedom Train, a traveling exposition of American historical documents which toured the United States shortly after World War II; and
Whereas, in 1949, the Exchange Clubs of America agreed to install permanent displays of the best of these historical documents in communities throughout the nation so that Americans would have easy access to the rich

heritage of their past; and

Whereas, the Freedom Shrine has contributed to the great structure of our government and the rights that we have today; and

Whereas, American citizenship is a valuable honor every American shares and one which the Danville High School Library has taken great pride in sharing with its students; and

Whereas on March 23, 1995, the Danville High School PTA will present their library with the Freedom Shrine;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 23, 1995, as DANVILLE HIGH SCHOOL DAY in Illinois.

Issued by the Governor March 2, 1995.

Filed by the Secretary of State March 9, 1995.

95-095

TIBETAN NATIONAL DAY

Whereas, in 1992 and 1993, nearly 100 Tibetans immigrated to Chicago from India and Nepal and currently live and work in Chicago; and

Whereas, hundreds of Illinois residents have assisted the Tibetan immigrants in finding jobs and housing, have served as volunteer sponsors and English language tutors, and have contributed financially to support the project to resettle Tibetans in Illinois; and

Whereas, on March 10, 1959, the Tibetan people rose up in resistance to the Chinese occupation of Tibet after nine years of mistreatment. This uprising continues to be memorialized by Tibetans and their supporters around the world to commemorate the struggle of Tibetans to reclaim their own country; and

Whereas, since the invasion of Tibet, more than one million Tibetans have died of unnatural causes, more than 6,000 Buddhist monasteries have been destroyed, political prisoners have been tortured and murdered by Chinese authorities, the Tibetan environment has been systematically destroyed by Chinese settlers, and massive numbers of ethnic Chinese have been encouraged by their government to resettle in Tibet, thus making the Tibetans an ethnic minority in their own country and threatening the very existence of Tibetan language and culture; and

Whereas, His Holiness the Dalai Lama was awarded the 1989 Nobel Peace Prize for his persistent promotion of peace and justice; and

Whereas, the United States Congress recognized Tibet as an occupied country through the State Department Authorization Act on October 28, 1991; and

Whereas, the worsening human rights conditions in Tibet threaten the continued existence of the Tibetan people;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 10, 1995, as TIBETAN NATIONAL DAY in Illinois to honor the Tibetan community in Illinois and the Tibetan Alliance of Chicago in its efforts to help promote human rights for Tibetans and its effort to help the Tibetan people preserve the culture.

Issued by the Governor March 2, 1995.

Filed by the Secretary of State March 9, 1995.

95-096

CASIMIR PULASKI DAY

Whereas, Polish war hero Casimir Pulaski fought and died valiantly, helping colonial America win its battle for independence during the Revolutionary War; and

Whereas, born in Warka, Poland, on March 4, 1747, Casimir Pulaski symbolizes the courage, patriotism, and determination of Polish American and Slavic Americans who have worked and fought to help make the United States the great country it is; and

Whereas, in as much as this individual was willing to make the supreme sacrifice through his death in battle while defending our nation, it is fitting that we, in Illinois, set aside the first Monday of each March to honor him as early Illinois settlers did by the naming of Pulaski County in Southern Illinois and Mt. Pulaski in Central Illinois after this great man; and

Whereas, the Polish American community of Illinois has contributed greatly to the rich ethnic diversity of the state in the areas of education, arts and science, agriculture, government, architecture, music, and sports; and

Whereas, many observances are being held in honor of Casimir Pulaski, including ceremonies at the Polish Museum of America and at Truman College;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 6, 1995, as CASIMIR PULASKI DAY in Illinois.

Issued by the Governor March 6, 1995.

Filed by the Secretary of State March 9, 1995.

95-097

FOREIGN LANGUAGE WEEK

Whereas, learning foreign languages opens the doors to understanding cultures around the world; and

Whereas, Alpha Mu Gamma was established in 1931 as the National Collegiate Foreign Language Honor Society of the United States and has grown to include nearly 300 chapters in colleges and universities across the nation; and

Whereas, Alpha Mu Gamma seeks to recognize achievement in the field of foreign language study and encourage the study of foreign languages, literatures, and cultures; and

Whereas, in 1957, President Eisenhower proclaimed the observance of National Foreign Language Week to emphasize the importance of foreign language study. Since that time, National Foreign Language Week has been recognized by each president, and the event has been celebrated annually by Alpha Mu Gamma;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 5-11, 1995, as FOREIGN LANGUAGE WEEK in Illinois.

Issued by the Governor March 3, 1995.

Filed by the Secretary of State March 9, 1995.

95-098

CHILDREN OF THE AMERICAN REVOLUTION DAY

Whereas, the National Society Children of the American Revolution was organized on Friday, April 5, 1895, in the City of Washington in the District of Columbia by Mrs. Harriet M. Lothrop; and

Whereas, the National Society Children of the American Revolution was incorporated under the Laws of the District of Columbia on April 11, 1895, and by such incorporation the headquarters of said National Society was fixed in

the City of Washington in the District of Columbia and perpetually incorporated on April 2, 1919; and

Whereas, the National Society Children of the American Revolution is an organization for the training of young people in true patriotism and love of country in order that they shall be better fitted for American citizenship; and Whereas, the members of the National Society Children of the American Revolution believe it is their duty to use their influence to create a deeper love of country, a loyal respect for its Constitution, and reverence for its flag among the young people with whom they come in contact; and

Whereas, the National Society Children of the American Revolution has enjoyed an organized society in the State of Illinois with the organization of the Richard Lord Jones Society in 1895 and 90 succeeding local societies;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 5, 1995, as CHILDREN OF THE AMERICAN REVOLUTION DAY in Illinois and urge all citizens, especially the children, to join with me in recognizing the 100th anniversary of the National Society Children of the American Revolution.

Issued by the Governor March 6, 1995.

Filed by the Secretary of State March 9, 1995.

95-099

DENTAL ASSISTANTS RECOGNITION WEEK

Whereas, dental assistants, working with the dental profession, play an important part in maintaining the dental health of the citizens of Illinois and of the United States; and

Whereas, dental assistants, through their skills and knowledge, make dental care possible for increasing numbers of our citizens; and

Whereas, for more than 70 years, the American Dental Assistants Association has encouraged and made possible continuing education for dental assistants in order to enhance the delivery of dental health care to the public; and

Whereas, the American Dental Assistants Association and the State of Illinois have designated the week of March 6-11, 1995, as Dental Assistants Recognition Week in Illinois and throughout the United States;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 6-11, 1995, as DENTAL ASSISTANTS RECOGNITION WEEK in Illinois and bring its importance to the attention of the citizens of our state.

Issued by the Governor March 6, 1995.

Filed by the Secretary of State March 9, 1995.

95-100

PROFESSIONAL SECRETARIES WEEK/PROFESSIONAL SECRETARIES DAY

Whereas, professional secretaries contribute to the strong economic climate throughout Illinois; and

Whereas, professional secretaries in business, education, and government ensure work-force productivity; and

Whereas, the professionalism and leadership of these secretaries enhance commerce in our state;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 24-28, 1995, as PROFESSIONAL SECRETARIES WEEK and April 26, 1995, as PROFESSIONAL SECRETARIES DAY in Illinois in recognition of these hard-working

individuals and the contributions they make to the business community. Issued by the Governor March 6, 1995.

Filed by the Secretary of State March 9, 1995.

95-101

SMILES FOR LITTLE CITY DAYS

Whereas, for 36 years, Little City Foundation has been a nationally recognized leader in providing programs and services for persons with developmental challenges; and

Whereas, on October 5-7, 1995, Little City Foundation will hold its annual "Smiles for Little City" Tag Days throughout the state; and

Whereas, this annual tradition is made possible through the efforts of hundreds of Illinois residents who unselfishly volunteer their time and effort; and

Whereas, they are ably supported by governmental, business, and labor leaders across the state;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 5-7, 1995, as SMILES FOR LITTLE CITY DAYS in Illinois.

Issued by the Governor March 6, 1995.

Filed by the Secretary of State March 9, 1995.

95-102

ILLINOIS EYE FUND/UIC EYE CENTER DAY

Whereas, the month of May 1995 marks the 137th anniversary of the University of Illinois at Chicago Eye and Ear Infirmary (formerly the Chicago Charitable Eye and Ear Infirmary); and

Whereas, the Eye and Ear Infirmary has continued to make a major contribution to Chicago's health care and since 1858 has treated hundreds of thousands of people with conditions that threaten vision and hearing; and

Whereas, the Eye and Ear Infirmary is the oldest constituent unit of the University of Illinois at Chicago College of Medicine, the largest medical school in the nation; and

Whereas, the University of Illinois at Chicago Eye Center, housed in the Eye and Ear Infirmary, created the Illinois Eye Fund in 1986 to support its vision research, patient care, and educational programs; and

Whereas, the Illinois Eye Fund will hold its Ninth Annual Spring Benefit on April 8, 1995;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 8, 1995, as ILLINOIS EYE FUND/UIC EYE CENTER DAY in Illinois and encourage all Illinois residents to recognize the historical significance of the University of Illinois at Chicago's Eye and Ear Infirmary.

Issued by the Governor March 7, 1995.

Filed by the Secretary of State March 9, 1995.

94-103

U. S. SAVINGS BOND CAMPAIGN MONTH

Whereas, the United States Savings Bonds Program has been making significant contributions to the well-being of Americans for more than 50 years by helping to build savings for the future; and

Whereas, the program has helped the economy of this state by giving our citizens an extra reserve of buying power; and

Whereas, the people of this state have shown through their purchase of savings bonds that they believe in the purposes of the program;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1995 as U.S. SAVINGS BOND CAMPAIGN MONTH in Illinois, and I urge all citizens to help themselves, their state, and their nation by purchasing United States Savings Bonds.

Issued by the Governor March 7, 1995.

Filed by the Secretary of State March 9, 1995.

94-104

WILLIAM MCCARTHY DAY

Whereas, William McCarty has tirelessly served the Tuscola National Bank of Tuscola for 30 years; and

Whereas, he began his career with the Tuscola National Bank in 1956 as a teller and escalated to President of Illinois Bankers Association, Group 7 in 1969; and

Whereas, he has shown tremendous leadership and dedication to his profession and community and is to be highly commended; and

Whereas, he has been an outstanding citizen and contributed greatly to the prosperity of Douglas County;

Therefore, I, Jim Edgar, Governor of the State of Illinois proclaim March 14, 1995, as WILLIAM MCCARTY DAY in Illinois in honor of 30 years of success and wish his entire family continued success in the future.

Issued by the Governor March 7, 1995.

Filed by the Secretary of State March 9, 1995.

95-105

YOUTH ART MONTH

"To have an appreciation of art is to have immeasurable wealth."

--Otto H. Kahn

Whereas, the arts serve an important role in the educational development of our youth; and

Whereas, during the month of March, the Illinois Art Education Association will be sponsoring special events and exhibits in conjunction with a nationwide effort to highlight the accomplishments of art teachers and their students; and

Whereas, community organizations are encouraged to take advantage of this opportunity to emphasize the enjoyment that can be derived through the creation and appreciation of art;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1995 as YOUTH ART MONTH in Illinois.

Issued by the Governor March 7, 1995.

Filed by the Secretary of State March 9, 1995.

95-106

LICENSED PRACTICAL NURSE WEEK

Whereas, the maintenance of good health care is of primary concern to everyone; and

Whereas, the role of the licensed practical nurse in caring for people's health needs has advanced in responsibility and complexity; and

Whereas, the Licensed Practical Nurse Association of Illinois encourages the continuance of education to ensure competency among its members; and

Whereas, the Licensed Practical Nurse Association of Illinois is holding its annual convention April 23-27 in Bloomingdale. This year's theme is "LPN's the Needed Link in the Health Care Team";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 23-29, 1995, as LICENSED PRACTICAL NURSE WEEK in Illinois in recognition of these dedicated men and women.

Issued by the Governor March 8, 1995.

Filed by the Secretary of State March 9, 1995.

| ACTION CODES | |
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| A - Adopted Rule | P - Proposed Rule |
| AR - Adopted Repealer | PR - Prohibited Filing Order by JCAR* |
| C - Notice of Corrections | PP - Peremptory or Court Ordered Rules |
| CC - Codification Changes | PR - Proposed Repealer |
| E - Emergency Rule | R - Refusal to meet JCAR* Objection |
| ER - Emergency Repealer | RC - Statement of Recommendation |
| M - Modification to meet JCAR* | S - Suspension ordered by JCAR* |
| O - JCAR* Statement of Objections | W - Withdrawal to meet JCAR* |
| RQ - Request for Correction | MR - Modification and Refusal |
| EC - Expedited Corrections | |
| *Joint Committee on Administrative Rules | |

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

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| TYPE OF RULE MAKING | ACTION CODE |
|--------------------------------|----------------------------------|
| am = amend to existing Section | A = Adopted Rule |
| cc = codification changes | E = Emergency |
| n = New section | P = Proposed Rule |
| r = repeal of existing Section | PP = Peremptory |
| re = recodified | M = Modification |
| # = renumbered | W = Withdrawal |
| | CC = Codification Changes |
| | RQ = Request for Correction |
| | R = Refusal |
| | PF = Prohibited Filing |
| | S = Suspension |
| | O = JCAR Objection |
| | F = Failure to Remedy Objections |
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| 1228.80 | | am | (A-1334) |
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| 118.300 | am | (P-829) | am | 301.30 | n | (P-3633) | 380.3 | am | (P-3616) |
| 120.246 | am | (P-14830/94; A-2905) | am | 301.40 | n | (P-3633) | 380.3 | am | (P-3616) |
| 120.347 | am | (P-14830/94; A-2905) | am | 301.50 | n | (P-3633) | 380.4 | am | (P-3616) |
| 120.360 | am | (P-14830/94; A-2905) | am | 301.60 | n | (P-3633) | 380.5 | am | (P-3616) |
| 120.385 | am | (P-14830/94; A-2905) | am | 301.80 | n | (P-3633) | 380.6 | am | (P-3616) |
| 120.387 | am | (P-14830/94; A-2905) | am | 301.90 | n | (P-3633) | 380.7 | am | (P-3616) |
| 120.476 | n | (P-14830/94; A-2905) | n | 301.100 | n | (P-3633) | 380.8 | am | (P-3616) |
| 120.76 | n | (P-14830/94; A-2905) | n | 301.110 | n | (P-3633) | 380.8 | am | (P-3616) |
| 120.76 | n | (P-14830/94; A-2905) | n | 301.120 | n | (P-3633) | 380.13 | am | (P-3616) |
| 140.12 | am | (P-165) | am | 301.140 | n | (P-3633) | 380.14 | am | (P-3616) |
| 140.16 | am | (P-16059/94; A-2933) | am | 301.30 | n | (P-3633) | 380.14 | am | (P-3616) |
| 140.19 | am | (P-16059/94; A-2933) | am | 301.310 | f | (P-3633) | 402.2 | n | (P-8237/94; A-1801) |
| 140.32 | am | (P-16059/94; A-2933) | am | 301.320 | f | (P-3633) | 402.3 | am | (P-3648) |
| 140.80 | am | (P-3248) | am | 301.330 | f | (P-3633) | 402.4 | am | (P-3648) |
| 140.82 | am | (P-3248) | am | 301.340 | f | (P-3633) | 402.6 | f | (P-3648) |
| 140.84 | am | (P-1200) | am | 302.0 | am | (P-3633) | 402.9 | am | (P-3648) |
| 140.430 | am | (P-1200) | am | 302.20 | am | (P-3633) | 402.7 | am | (P-3648) |
| 140.523 | am | (P-165) | am | 302.30 | am | (P-3730) | 402.8 | am | (P-3648) |
| 140.569 | am | (P-14851/94; A-1082) | am | 302.320 | am | (P-3730) | 402.9 | am | (P-3648) |
| | | | | 302.340 | am | (P-1372) | 402.12 | am | (P-3648) |
| 144.76 | am | (P-16521/94; A-2890) | am | 302.360 | am | (P-3730) | 402.15 | am | (P-3648) |
| 144.275 | am | (P-1717) | am | 302.380 | am | (P-3730) | 402.15 | am | (P-3648) |
| 148.25 | am | (P-3167) | am | 302.390 | am | (P-3730) | 402.7 | am | (P-3648) |
| 148.26 | am | (P-3167) | am | 304.2 | am | (P-3730) | 408.2 | am | (P-3648) |
| | | | | 305.20 | am | (P-3601) | 406.8 | am | (P-3648) |
| | | | | 305.30 | am | (P-3619) | 406.9 | am | (P-3648) |
| 148.120 | am | (P-3167) | am | 305.40 | am | (P-3619) | 406.9 | am | (P-1683/94; RC-2314; A-2765) |
| 148.130 | am | (P-3167) | am | 335.100 | f | (P-3666) | 406.13 | am | (P-1683/94; RC-2314; A-2765) |
| 148.140 | am | (P-3167) | am | 335.102 | f | (P-3666) | 408.22 | am | (P-1683/94; A-2765) |
| 148.150 | am | (P-3167) | am | 335.200 | f | (P-3666) | 408.5 | am | (P-1700/94; A-2784) |
| 148.160 | am | (P-3167) | am | 335.202 | f | (P-3666) | 408.30 | am | (P-2700/94; RC-2315; A-2784) |
| 148.170 | am | (P-3167) | am | 335.204 | f | (P-3666) | 408.40 | am | (P-2700/94; RC-2315; A-2784) |
| 148.250 | am | (P-3167) | am | 335.206 | f | (P-3666) | 408.40 | am | (P-2700/94; RC-2315; A-2784) |
| 148.260 | am | (P-3167) | am | 335.300 | f | (P-3666) | 408.45 | am | (P-2700/94; RC-2315; A-2784) |
| 148.270 | am | (P-3167) | am | 335.302 | f | (P-3666) | 408.65 | am | (P-2700/94; RC-2315; A-2784) |
| 148.280 | am | (P-3167) | am | 335.304 | f | (P-3666) | 408.105 | am | (P-2700/94; A-2784) |
| 148.290 | am | (P-3167) | am | 335.306 | f | (P-3666) | 428.10 | am | (P-561/94; A-1043) |
| 148.300 | am | (P-3167) | am | 335.310 | f | (P-3666) | 428.20 | am | (P-561/94; A-1043) |
| 149.25 | am | (P-3139) | am | 335.312 | f | (P-3666) | | | |
| 149.30 | am | (P-3139) | am | 335.314 | f | (P-3666) | | | |
| 149.100 | am | (P-3139) | am | 335.316 | f | (P-3666) | | | |

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